

STATEMENT OF INFORMATION

HEARINGS

BEFORE THE

COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

SECOND SESSION

PURSUANT TO

H. Res. 803

A RESOLUTION AUTHORIZING AND DIRECTING THE COMMITTEE
ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT
GROUNDS EXIST FOR THE HOUSE OF REPRESENTATIVES TO
EXERCISE ITS CONSTITUTIONAL POWER TO IMPEACH

RICHARD M. NIXON

PRESIDENT OF THE UNITED STATES OF AMERICA

BOOK IV—PART 2

EVENTS FOLLOWING
THE WATERGATE BREAK-IN

March 22, 1973–April 30, 1973



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STATEMENT OF INFORMATION

EVENTS FOLLOWING

THE WATERGATE BREAK-IN

March 22, 1973 - April 30, 1973

Part 2

34. On April 12, 1973 the President telephoned Charles Colson at 7:31 p.m. and asked Colson to prepare a specific set of recommendations with respect to the Watergate matter. The following day Colson met with Ehrlichman twice. At the second meeting Colson was accompanied by his lawyer. Ehrlichman has testified that at the second meeting Colson said that he understood that Howard Hunt would testify before the grand jury that the second break-in at the Watergate was opposed by Hunt but that Liddy said to Hunt that they couldn't call it off because they were doing it on Mitchell's order; that Hunt would testify about the transmittal of funds to the Watergate defendants; and that McCord was making allegations about a trip to Las Vegas by Hunt, McCord and possibly Liddy to break into the safe of Hank Greenspun in a project masterminded by Colson. Colson has stated that he recommended to Ehrlichman, among other things, that the President take steps to expose those involved in the planning, approving or authorizing of the Watergate break-in.

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35. On April 13, 1973, the day Magruder began meeting with the prosecutors, Lawrence Higby, staff assistant to Haldeman, had two telephone conversations with Magruder which were taped without Magruder's knowledge. Higby asked Magruder whether his testimony was going to be damaging to Strachan and Haldeman. Magruder said it would damage Strachan but he had not talked to Haldeman about the Watergate until long after. Higby told Magruder that it wasn't in his long or short term interest to blame the White House. On April 14, 1973 Ehrlichman and Haldeman reported these conversations to the President. Ehrlichman told the President that Higby had handled Magruder so well that Magruder had closed all his doors now with this tape; that the tape would beat the socks off Magruder if he ever got off the reservation.

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In response to the Judiciary Committee's subpoena for the tape recording and other evidence of this conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

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37. On the afternoon of April 14, 1973 Dean, Haldeman and Ehrlichman met in Ehrlichman's office. Dean has testified that there was a discussion of whether Haldeman, Ehrlichman, Dean, Mitchell, Colson and others would be indicted.

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38. On April 14, 1973, at 1:30 p.m., Haldeman had a telephone conversation with Magruder and taped the conversation. Magruder told Haldeman that he had committed perjury many times; that he had now decided to follow his lawyer's advice and make a full disclosure to the grand jury; that his testimony would put Gordon in a spot; and that he intended to plead guilty.

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In response to the Committee' subpoena for the tape recording and other evidence of this conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

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41. On April 14, 1973 the President met with Haldeman and Ehrlichman from 2:24 to 3:55 p.m. At this meeting Ehrlichman reported on his meeting with Mitchell. There was a discussion of the motive for the payments to the defendants and the transfer of the \$350,000 from the White House to the Committee for the Re-election of the President. The President instructed Ehrlichman to meet with Magruder. There was a discussion whether it would reduce the likelihood of Department of Justice follow-up if Ehrlichman gave a report to Kleindienst rather than Silbert.

In response to the Committee's subpoena for the tape recording and other evidence of this conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

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In response to the Committee's subpoena for the tape recording and other evidence of this conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

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44. On April 14, 1973, at approximately 6:00 p.m. and during the meeting specified in the preceding paragraph, Ehrlichman telephoned Kleindienst. Ehrlichman told Kleindienst that he had been conducting an investigation for the President. There was a discussion of what Ehrlichman should do with the information he had uncovered. Kleindienst has testified that Ehrlichman told him that the testimony that Magruder had given to the U. S. Attorneys would implicate people high and low in the White House and in the campaign committee. The President has produced an edited transcript of this conversation. According to this transcript Ehrlichman stated that the information provided by Magruder implicated people up and down in the Committee to Re-elect; and, when Kleindienst asked who Magruder implicated besides himself and Mitchell, Ehrlichman answered Dean, LaRue, Mardian and Porter.

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In response to the Committee's subpoena for the tape recording and other evidence of this conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

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In response to the Committee's subpoena for the tape recording and other evidence of this conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

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47. During the evening of April 14, 1973 Petersen was briefed by the prosecutors on the information furnished by Dean and Magruder. Petersen telephoned Kleindienst and arranged to report to him immediately. On April 15, 1973 Kleindienst met at his home with Petersen, United States Attorney Titus, and chief prosecutor Silbert from approximately 1:00 a.m. to 5:00 a.m. Kleindienst was briefed on evidence implicating high White House and CRP officials in the Watergate break-in and the obstruction of the government's investigation. Kleindienst decided to arrange a meeting with the President that morning.

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48. On April 15, 1973 at 8:41 a.m. Kleindienst attempted to reach the President by telephone to request an immediate meeting. The President returned Kleindienst's call at 10:13 a.m. and agreed to meet Kleindienst that afternoon.

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49. On April 15, 1973 John Ehrlichman met with Gordon Strachan from approximately 10:00 a.m. to 10:35 a.m. and 11:15 a.m. to noon. They discussed Strachan's recollection of his contacts with Magruder and Haldeman relating to Watergate. Ehrlichman has testified that he confronted Strachan with Magruder's allegation about sending Strachan a budget which included specific reference to bugging, and that Strachan said that he was sure he had never seen anything like that. Ehrlichman's notes of his meeting with Strachan reflect a reference to a memorandum from Strachan to Haldeman stating a sophisticated intelligence operation is going with a 300 budget.

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50. On April 15, 1973 the President met with John Ehrlichman from 10:35 to 11:15 a.m. Ehrlichman reported that he was meeting with Strachan. There was a discussion of the motive for payments to the defendants and of what Dean's defense might be to obstruction of justice charges.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

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51. On April 15, 1973 the President met with Attorney General Kleindienst from 1:12 to 2:22 p.m. in the President's EOB office. Kleindienst reported to the President on the evidence against Mitchell, Dean, Haldeman, Ehrlichman, Magruder, Colson and the others. Kleindienst has testified that the President appeared dumbfounded and upset when Kleindienst told him about the Watergate involvement of Administration officials, and that the President did not state that he had previously been given this information by John Dean. The President asked about the evidence against Haldeman and Ehrlichman and made notes on Kleindienst's response. There was a discussion of the payments to the defendants and what motive had to be proved to establish criminal liability. There was discussion of the transfer of \$350,000 from the White House to LaRue. The President made a note: "What will LaRue say he got the 350 for?"

The Committee has subpoenaed the tape recording and other evidence of this conversation. The President has stated that the tape on the recorder for his EOB office ran out during his afternoon meeting with Kleindienst. The President has produced an edited transcript of a recording of a portion of the conversation. A summary of that transcript has been prepared.

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52. On April 15, 1973 from 2:24 to 3:30 p.m. the President met with Ehrlichman in the President's EOB office. From 3:27 to 3:44 p.m. the President spoke to Haldeman by telephone and discussed conflicts between the recollections of Magruder and Strachan concerning conversations about Watergate. At 3:48 p.m. the President returned a telephone call from Kleindienst and agreed to have Petersen join their upcoming meeting.

In response to the Committee's subpoena for the tape recording and other evidence of the President's meeting with Ehrlichman, his telephone conversation with Haldeman, and his telephone conversation with Kleindienst, the President has produced edited transcripts of the recordings of the Haldeman and Kleindienst telephone calls. Summaries of those transcripts have been prepared. The President has stated that the tape on the recorder for his EOB office had run out during his afternoon meeting of April 15, 1973 with Kleindienst and that no further conversations in that office were recorded.

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53. On April 15, 1973 Petersen and Kleindienst met with the President from 4:00 to 5:15 p.m. in the President's EOB office. Petersen has testified that he reported on the information that the prosecutors had received from Dean and Magruder and that his report included the following: that Mitchell had approved the \$300,000 budget for the Liddy "gemstone" operation; that budget information for "gemstone" and summaries of intercepted conversations were given to Strachan and that information given to Strachan was for delivery to Haldeman; that if the prosecutors could develop Strachan as a witness, "school was going to be out as far as Haldeman was concerned"; that Ehrlichman through Dean informed Liddy that Hunt should leave the country; and that Ehrlichman had told Dean to "deep six" certain information recovered by Dean from Hunt's office. Petersen has also testified that he recommended that Haldeman and Ehrlichman be dismissed, but Dean be retained while cooperating with the prosecutors. Petersen has testified that the President: exhibited a lack of shock and emotion; spoke well of Haldeman and Ehrlichman; suggested that Dean and Magruder were trying to exculpate themselves; suggested a cautionary approach to the granting of immunity; stated that he had first learned that there were more significant problems than he had anticipated on March 21, 1973, although he did not tell Petersen what Dean had told him on that date; stated that he had told Dean to write a report but that Dean had been unable to write a report; stated that he told Ehrlichman to conduct an investigation after Dean failed to deliver his report; stated that Haldeman and Ehrlichman had denied the charges against them; and requested

that Petersen reduce to writing what he had said to the President about Haldeman and Ehrlichman.

The Committee has subpoenaed the tape recording and other evidence regarding this conversation. The President has stated that the tape on the recorder for his EOB office ran out during his afternoon meeting with Kleindienst.

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54. On April 15, 1973 the Watergate prosecutors interviewed John Dean. The prosecutors were informed that Gordon Liddy and E. Howard Hunt had participated in the break-in at the office of Daniel Ellsberg's psychiatrist. Dean stated that not all the material from Hunt's safe had been turned over to FBI agents after the Watergate break-in, but that certain materials from the safe were personally handed by Dean to Gray.

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55. On April 15, 1973 at approximately 7:30 p.m., Ehrlichman requested a meeting with Dean. Dean's attorney discussed this request with Petersen who advised against such a meeting. Dean arranged to have the President told that Dean was acting out of loyalty to the President and that Dean felt the meeting requested by Ehrlichman was inappropriate at this time. The President telephoned Petersen and spoke with him from 8:14 to 8:18 p.m. and from 8:25 to 8:26 p.m. Petersen told the President about Ehrlichman's request to meet with Dean. The President asked if Petersen would have any objection to the President's meeting with Dean. Petersen said he had no objection. The President arranged to meet with Dean that evening.

In response to the Committee's subpoena for the tape recording and other evidence of the President's telephone conversations with Petersen, the President has produced edited transcripts of the recordings. A summary of these transcripts has been prepared.

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56. On April 15, 1973 from 9:17 to 10:12 p.m., the President met with John Dean in the President's EOB office. Dean has testified that he reported to the President that he had been to the prosecutors; that the President asked him about Haldeman's knowledge of the Liddy plans; that the President stated he had been joking when he said it would be easy to raise \$1 million to pay for maintaining the silence of the Watergate defendants; and that the President said in a nearly inaudible tone that he had been foolish to discuss Hunt's clemency with Colson. Dean also has testified that he told the President he had not discussed with the prosecutors his conversations with the President and that the President told him that he could not tell the prosecutors about national security matters or about any of the conversations between the President and Dean. Dean has testified that the nature of the President's questions led him to think that the President was taping the conversation. The President's notes of this meeting indicate that the President asked Dean what he had told Kalmbach about the purpose of the money and that Dean said he had briefed Haldeman and Ehrlichman every inch of the way. During this meeting the President telephoned Petersen from 9:39 to 9:41 p.m. and instructed Petersen to contact Liddy's attorney and tell him that the President wanted Liddy to tell everything he knows.

The President has stated that the tape on the recorder for his EOB office ran out on the afternoon of April 15, 1973. In response to the Committee's subpoena for the tape recording and other evidence of his

telephone conversation with Petersen, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

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57. On April 15, 1973 from 10:16 to 11:15 p.m. the President met with H. R. Haldeman and John Ehrlichman in the President's EOB office. During this meeting Ehrlichman at the President's request telephoned Patrick Gray and discussed the documents taken from Hunt's White House safe and given to Gray by Dean in June 1972. Shortly thereafter Ehrlichman telephoned Gray and had a second conversation regarding the contents of Hunt's safe. Ehrlichman told Gray that Dean had told the prosecutors that he had delivered two of Hunt's files to Gray. Gray told Ehrlichman that he had destroyed the documents.

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STATEMENT OF INFORMATION

AND

SUPPORTING EVIDENCE

EVENTS FOLLOWING

THE WATERGATE BREAK-IN

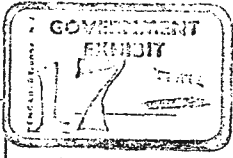
March 22, 1973 - April 30, 1973

Part 2

34. On April 12, 1973 the President telephoned Charles Colson at 7:31 p.m. and asked Colson to prepare a specific set of recommendations with respect to the Watergate matter. The following day Colson met with Ehrlichman twice. At the second meeting Colson was accompanied by his lawyer. Ehrlichman has testified that at the second meeting Colson said that he understood that Howard Hunt would testify before the grand jury that the second break-in at the Watergate was opposed by Hunt but that Liddy said to Hunt that they couldn't call it off because they were doing it on Mitchell's order; that Hunt would testify about the transmittal of funds to the Watergate defendants; and that McCord was making allegations about a trip to Las Vegas by Hunt, McCord and possibly Liddy to break into the safe of Hank Greenspun in a project masterminded by Colson. Colson has stated that he recommended to Ehrlichman, among other things, that the President take steps to expose those involved in the planning, approving or authorizing of the Watergate break-in.

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THE WHITE HOUSE		PRESIDENT RICHARD NIXON'S DAILY DIARY (See Travel Record for Travel Activity)		DATE (Mo., Day, Yr.) APRIL 12, 1973 TIME DAY 7:54 a.m. THURSDAY
PLACE DAY BEGAN CAMP DAVID, MARYLAND				
TIME		PHONE P - Placed R - Received	ACTIVITY	
In	Out	In	ID	
7:54	7:55	P		The President talked with his Military Aide, Maj. John V. Brennan.
8:00				The President had breakfast.
8:13		P		The President telephoned long distance to Charles W. Colson, attorney for Colson and Shapiro, in Washington, D.C. The call was not completed.
8:17	8:19			The President motored from Aspen Lodge to the Camp David helipad.
8:21	8:54			The President flew by helicopter from Camp David, Maryland to the South Grounds of the White House. For a list of passengers, see <u>APPENDIX "A."</u>
8:57				The President went to the Oval Office.
9:17	9:55			The President met with his Assistant, John D. Ehrlichman.
9:26		R		The President was telephoned long distance by Mr. Colson in Dover, Massachusetts. The call was not completed.
9:55	10:00			The President met with his Assistant, Henry A. Kissinger.
10:03				The President went to the Cabinet Room.
10:03	11:27			The President met with members of the NSC. For a list of attendees, see <u>APPENDIX "B."</u> White House photographer, in/out
11:27				The President returned to the Oval Office.
11:30	11:43			The President met with his Assistant, H. R. Haldeman.
11:44	12:28			The President met to discuss U.S.-European relations with: Joseph Luns, Secretary General of NATO Donald Rumsfeld, Ambassador from the U.S. to NATO Mr. Kissinger Members of the press, in/out White House photographer, in/out
12:29	12:36			The President met for a photo opportunity with: Oscar Berger, cartoonist Ronald L. Ziegler, Press Secretary White House photographer, in/out Mr. Berger presented the President with an original cartoon of the President meeting with Japanese Emperor Hirohito in September, 1971.
12:29	1:06			

Source: Misc. 47-73 In re Grand Jury Proceedings

THE WHITE HOUSE

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

PLACE DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 12, 1973

TIME DAY

1:10 p.m. THURSDAY

CAMP DAVID,
MARYLAND

TIME		PHONE P. Placed R. Received		ACTIVITY
In	Out	Lo	LD	
1:10	1:16			The President met with his Special Assistant, Stephen B. Bull.
1:19				The President went to his office in the EOB.
1:20	1:21	P		The President talked with Mr. Bull.
2:23	2:24	R		The President talked with Mr. Ziegler.
2:25	2:29			The President met with Mr. Bull.
2:27	2:28	P		The President talked with his daughter, Julie.
2:30	3:45			The President met with Mr. Ehrlichman.
3:57				The President returned to the Oval Office.
4:00	5:21			The President met with John B. Connally, attorney for Vinson, Elkins, Searls, Connally and Smith.
5:27				The President returned to the second floor Residence.
5:47				The President went to the State Dining Room.
5:47	6:55			The President hosted a reception honoring Members of Congress who supported the President's veto of S.7, vocational rehabilitation and H.R.3298, water and sewer legislation. For a list of guests, see <u>APPENDIX "C."</u> Members of the press, in/out White House photographer, in/out
6:55				The President returned to the second floor Residence.
7:20				The President had dinner with: The First Lady Tricia Cox
7:31	7:48	P		The President talked long distance with Mr. Colson in Dover, Massachusetts.
8:22				The President went to the White House bowling alley.
8:47				The President returned to the second floor Residence.

Opening Statement of Charles W. Colson
Before Select Committee on Presidential
Campaign Activities, United States Senate

I appreciate the opportunity to present this opening statement to your Committee. I shall first attempt to the best of my recollection to recount my knowledge of the events surrounding the Watergate Affair.

I will also attempt, if I may, to give this Committee some insight into the mood and atmosphere which existed in the White House during the Nixon years. I have followed your proceedings to date; it is clear that you are seeking to determine not only what in fact happened, but why and how these things could have happened.

AS TO THE FACTS:

I first heard that there had been a burglary at the Democratic National Committee headquarters on the radio. It was Saturday, June 17, 1972. I thought it was no more than an ordinary burglary -- one more addition to the D. C. crime

Mr. Dean has testified that on March 21 he told the President of the extent of the cover-up and urged the President to take steps to remove the "cancer on his Presidency". Not on this date, April 2, nor on any other date for that matter, did John Dean ever express to me a belief that the President might be involved in a cover-up or indeed that a cover-up even existed. Not on this date nor on any other date did Mr. Dean ever suggest to me that he was seeking a way to help the President remove the "cancer on his Presidency". Mr. Dean knew full well that I was in communication with the President. If he felt then the way he has testified he did -- that is, the cover-up had to be ended -- why didn't he ever mention this to me?

As a result of Magruder's allegations, I submitted to a polygraph examination on April 4 administered by Mr. Richard Arther, the report of which was made available to your staff on May 3. The examiner concluded that I had had no prior knowledge or involvement in the Watergate.

On April 12, the President called me in Boston to say that he wanted to act promptly on Watergate. He asked me to prepare a specific set of recommendations, what I believe he called a "precis", and to submit it to him as soon as possible. Shortly thereafter, Mr. Ehrlichman called to

47.

tell me that he was aware of the President's request, that he had been investigating actively on the President's behalf and, as soon as I had my recommendations prepared, he would like me to bring them to him.

I met with Mr. Ehrlichman twice on April 13. During the morning I met with him alone to try to determine from him what information he had obtained so that I could prepare my own recommendations more intelligently. Specifically, I wanted to know whether it had been determined who had ordered the Watergate because it was essential to know that in order to make any recommendations. John explained that he himself had been digging into the matter very deeply, did not have all the critical facts but was in the process of assembling them. He told me that he had had to take over the investigation inasmuch as John Dean had been told to go to Camp David to write a report but couldn't write one, thereby raising grave doubts about the adequacy of his work and his own involvement.

I told Mr. Ehrlichman that Mr. Shapiro had been digging very hard and that we had a number of recommendations. John suggested that both Shapiro and I return in the afternoon. We did so, told Ehrlichman all that we then knew and made the following recommendations:

- We urged that whoever was involved in authorizing, planning or approving the Watergate either come forward or steps be taken to see that they were exposed;
- We recommended that the President waive all Executive Privilege for the Watergate incident only and/or for any alleged criminal conduct arising out of the Watergate;
- We alternatively suggested that the President waive Executive Privilege for the foregoing and for campaign issues for principal White House aides like Haldeman and Colson;
- We once again urged the appointment of an independent special counsel and the replacement of John Dean;
- Finally, Shapiro further suggested that Mr. Liddy and his counsel be called into the Oval Office and be told by the President himself that he wanted Liddy to tell the whole truth. Shapiro added that he had heard that Liddy was remaining silent because he was assured of a pardon. Shapiro said that Liddy should be told that the only way he could be considered for clemency was if he came forward and told the truth.

✓ WEDNESDAY, APRIL 11, 1973

9:00 Garment
 9:15 Dick Moore's office - Garment, Jim O'Connor
 11:00-11:45 President
 12:30-1:30 President
 1:30 Roger Barth, Lee Henkel (tax simplification slide show)
 2:10 Roger Barth
 2:15-4:00 President
 5:30 Blair House (Senators Ervin and Baker)
 7:00 Buffet at Italian Embassy - 1601 Fuller - Black tie
 9:00 Film at Kennedy Center - Brother Sun, Sister Moon

✓ THURSDAY, APRIL 12, 1973

9:15 President
 10:30 Ziegler
 11:00 HRH office
 11:45 HRH
 1:15 HRH, Strachan
 2:30 President
 3:30 Alan Greenspan
 5:00 Garment's office
 5:30 State Dining Room - Congressional reception
 6:15 Ziegler's office - Dick Moore et al

✓ FRIDAY, APRIL 13, 1973

9:10 President
 C 11:30 Charles Colson
 1:00 President
 2:30 Dean
 3:00 Ziegler
 3:10 President
 C 5:00 Colson, David Shapiro
 7:30 Dinner at La Fonda
 8:30 "Godspell" - Motion Picture Assn.

✓ SATURDAY, APRIL 14, 1973

8:45-11:30 President
 11:50 HRH office
 12:15 HRH, Dean
 1:15 HRH out
 1:20 Dean out
 1:30 Ziegler
 1:40-2:10 John Mitchell
 2:35-3:45 President, HRH
 4:00 Jeb Magruder, Jim Sharp, Jim Bierbauer
 5:00 President

A Yes, I did.

Q Was there more than one such conversation?

A Yes, I talked to Mr. Colson a couple of times on the telephone, as I recall, and once in my office.

Q Could you put those in any time frame for us, please, Mr. Ehrlichman?

A It would have been between our return from California which must have been about the 10th, I guess, 9th or 10th of April, and April 15th. As a matter of fact, I saw him in my office on the 13th.

Q Do you have any note of that conversation?

A Yes, I do.

Q What questions did you ask Mr. Colson and how did he respond?

MR. STRICKLER: Within the limitation as to time?

MR. DUNIE: Yes.

THE WITNESS: We were accompanied in our conversation by his partner and attorney, Mr. Shapiro.

BY MR. DUNIE:

Q Anyone else present?

A No.

Q This is the face-to-face conversation?

A This was a face-to-face conversation. They had come to

see me to give me an opportunity to ask questions and to discuss problems of executive privilege and its scope and to make some suggestions as to how the White House should conduct itself in the then controversy. The facts which I elicited, and I will just skip around in the notes, Mr. Colson advised me that he understood that the second break-in was opposed by Howard Hunt but that Mr. Liddy said to Mr. Hunt, "We can't call it off. We are doing this on Mr. Mitchell's order. We must go ahead."

This was in relation to Mr. Colson's prediction of what Howard Hunt would testify to when recalled before the Grand Jury, which had not yet occurred and was then going to be upcoming. He said he thought that Hunt would corroborate McCord's testimony without being more specific than that. There is quite a lot about executive privilege.

Q Did he voice an opinion to you as to the position the White House should take at that time on executive privilege?

A Yes, he did.

Q What did he say?

MR. STRICKLER: I think this is beyond the scope of your complaint and I object to it on the ground of relevancy and I suggest the witness not answer.

THE WITNESS: I will comply. That is really all that I elicited from him that is within the guidelines here.

FRIDAY, JULY 27, 1973

U.S. SENATE,
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES,
Washington, D.C.

The Select Committee met, pursuant to recess, at 10:05 a.m., in room 318, Russell Senate Office Building, Senator Sam J. Ervin, Jr. (chairman), presiding.

Present: Senators Ervin, Talmadge, Inouye, Montoya, Baker, Gurney, and Weicker.

Also present: Samuel Dash, chief counsel and staff director; Fred D. Thompson, minority counsel; Rufus L. Edmisten, deputy chief counsel; Arthur S. Miller, chief consultant; Jed Johnson, consultant; David M. Dorsen, James Hamilton, and Terry F. Lenzner, assistant chief counsels; R. Phillip Haire, Marc Lackritz, William T. Mayton, Ronald D. Rotunda, and Barry Schochet, assistant majority counsels; Eugene Boyce, hearings record counsel; Donald G. Sanders, deputy minority counsel; Howard S. Liebengood, H. William Shure, and Robert Silverstein, assistant minority counsels; Pauline O. Dement, research assistant; Eiler Ravnholt, office of Senator Inouye; Robert Baca, office of Senator Montoya; Ron McMahan, assistant to Senator Baker; A. Searle Field, assistant to Senator Weicker; John Walz, publications clerk.

Senator ERVIN. Senator Inouye, will you resume your examination of the witness.

Senator INOUE. Thank you very much.

Mr. Ehrlichman, when we recessed yesterday we were discussing your interviews as part of the inquiry made in behalf of the President, and in response to one of my questions you indicated that you had discussed or talked with Mr. O'Brien, Mr. Kalmbach, Mr. Dean, Mr. Mitchell, and again with Mr. Strachan, and you have indicated that you had maintained interview notes.

TESTIMONY OF JOHN EHRLICHMAN—Resumed

Mr. EHRLICHMAN. Of some of those, Senator, and I neglected to say I also talked to Mr. Krogh because of something that came up in the course of these interviews that I wanted to inquire about, so he would be an additional individual that I talked to.

Senator INOUE. We have no notes on Mr. Kalmbach, Mr. Dean, Mr. Mitchell, and Mr. Strachan. Is there any reason for this?

Mr. EHRLICHMAN. You should have. There are notes for Strachan and Dean. There are no notes for my talk with either—for my talk with Mr. Kalmbach. We did turn over to the committee staff the transcript of my interview with Mr. Mitchell which is a very, very poor one. It is not very helpful. It is very sketchy.

(2729)

2730

Senator INOUE. Mr. Dash, do we have the copies of the Kalmbach, Dean, Mitchell, and Strachan—

Mr. EHRLICHMAN. There are no Kalmbach notes, Senator. There are Dean and Strachan notes. The notes that I have here are O'Brien, Dean, Colson, Magruder, and Strachan.

Mr. DASH. Senator Inouye, whatever you have, is what we received. In other words, that was intact, delivered to us in that form, and we have no other notes.

Senator ERVIN. Let the reporter assign it the appropriate exhibit number.

[The document referred to was marked exhibit No. 98.*]

Senator INOUE. Then we have here, Mr. Ehrlichman, one Strachan and you had two Strachan meetings.

Mr. EHRLICHMAN. There are only notes for one.

Senator INOUE. We have a Reisner meeting.

Mr. EHRLICHMAN. No. I think that is actually the—that is the Dean meeting, J. D. is up in the corner of it. That is the Dean meeting on April 13 at 3 p.m.

Senator INOUE. Then, we have an O'Brien meeting.

Mr. EHRLICHMAN. Yes.

Senator INOUE. And Colson and Shapiro.

Mr. EHRLICHMAN. Right.

Senator INOUE. And Magruder.

Mr. EHRLICHMAN. Correct. That is it.

Senator INOUE. We have no Mitchell.

Mr. EHRLICHMAN. No; you have the transcription of two tapes, Mitchell and Magruder, that are both very, very hard to read, hard to understand because the tapes are hard to understand. You also have the tapes themselves, and they are for whatever they are worth. I do not think you can make much from them.

Senator INOUE. I received these notes early this morning, Mr. Ehrlichman, and I must confess that I find it very difficult to understand your hieroglyphics here.

Mr. EHRLICHMAN. Sure, right.

Senator INOUE. So, if I may ask you, whenever the initial "H" appears, is that for Mr. Haldeman?

Mr. EHRLICHMAN. Not necessarily. You would have to take it in the context. Senator, that could also be Hunt in some cases here, although I used the double "H" for Hunt on occasion.

Senator INOUE. JNM is John Mitchell?

Mr. EHRLICHMAN. Yes, sir.

Senator INOUE. And JSM is Magruder?

Mr. EHRLICHMAN. Yes, sir.

Senator INOUE. L or LD or LID is Liddy?

Mr. EHRLICHMAN. Well, LID is certainly Liddy, and I do not recall—yes, I have used L also for Liddy in the Magruder notes.

Senator INOUE. And K or EK for Krogh?

Mr. EHRLICHMAN. I believe so, yes.

Senator INOUE. And CC for Colson?

Mr. EHRLICHMAN. Yes.

Senator INOUE. Now, there is a Greek symbol, the symbol pi, who is that?

*See p. 2915.

2800

Mr. EHRLICHMAN. I would, Senator. I don't believe that I would have a great deal of information on either of those phases to assist but I would be happy to be available.

Senator BAKER. The only point I make is if we forego questions now, it does not imply we cannot ask you questions later.

Mr. EHRLICHMAN. Certainly.

Senator BAKER. Mr. Wilson handed a copy of the Congressional Record dealing with income tax during the Kennedy and Nixon administrations. Was it your wish that that be examined by the committee or made part of the record or what was the purpose of that?

Mr. WILSON. I just thought it would be made part of the record but, in effect, you want to ask any questions about it, make any statements, it is a very long statement. Very long colloquy, rather.

Senator BAKER. And it is your contention it relates to the testimony of the witness, Mr. Ehrlichman, in response to queries put largely by Senator Montoya on the examination of income tax returns?

Mr. WILSON. That is the purpose of it, sir.

Senator BAKER. Mr. Chairman, if there is no objection I would like to see the document identified for the record and accepted for that purpose.

I have no questions, Mr. Chairman.

Senator ERVIN. The document will be identified for the record and received as an exhibit.

[The document referred to was marked exhibit No. 105.*]

Senator ERVIN. Senator Inouye.

Senator INOUE. Thank you, Mr. Chairman.

Mr. Ehrlichman, may we now study your April 13, 1973, C.C. and Shapiro interview note?

Mr. EHRLICHMAN. Yes, sir. I will get my copy.

All right, sir.

Senator INOUE. Will you please proceed, sir. On the first line, executive privilege, I believe it says.

Mr. EHRLICHMAN. Yes. This—I should say that this meeting was held primarily at Mr. Colson's request at the end of the day on the 13th of April. The first thing that he said was that he had some—some suggestions and points of view that he would like to have conveyed to the President and that was the purpose of the—the purpose of the meeting, but I also conceived of it as some opportunity to develop additional information because I was in the course of this inquiry. That first line refers to R. K. being Richard Kleindienst to the Congress about executive privilege and he simply noted that it has the Hill up in arms.

Senator INOUE. Please proceed, sir.

Mr. EHRLICHMAN. Then he said that Mr. Hunt at 2 p.m., on the coming Monday would once again be testifying both from the standpoint of hearsay and firsthand. He said his sources were both within the Government and Mr. Bittman, Mr. Hunt's attorney, that he would testify that funds had traveled—

Senator INOUE. What funds are we talking about?

Mr. EHRLICHMAN. Well, we are talking about these funds for the defendants in the criminal case, that fund from Parkinson and—traveled from Parkinson and O'Brien to Hunt to the Cubans and on

*See p. 2978.

other occasions from O'Brien to Hunt to Mrs. Hunt, and I have down the sum of \$10,000 in the latter—in the latter category. He said all of this transmittal of funds information will be coming out.

Then he said with relation to Mr. McCord, as I recall the setting of this was that McCord was coming up with all sorts of wild stories. His later story was that Hunt and McCord, and he didn't know whether Liddy has been involved in this or not, has made a trip to Las Vegas. They landed. They had an airplane standing by. They were going to break into the safe of Hank Greenspun who was a publisher in Las Vegas and that McCord was saying that this was a maneuver masterminded by Charles Colson. Mr. Colson vehemently denied that he had any knowledge or acquaintanceship with such a maneuver or that he had anything to do with it, and he cited this simply as an example of the far out kind of allegations that McCord was making at that time. I said, well, where does such a thing all fit in this whole—in this whole Watergate business and he said, well, I don't think that it does fit and McCord said that it was some kind of a Howard Hughes operation allegedly.

Now this, Senator, I hasten to point out, is kind of hearsay and I do not assert the truth of any of this, but I am simply describing what Mr. Colson was describing as Mr. McCord's rather extreme charges at that point.

Then he went on to tell another version of the inception of Watergate which he termed "Liddy hearsay" which was to the effect that Howard Hunt opposed the Watergate break-in, the second break-in, that Hunt characterized it as stupid, that Liddy told Hunt that it could not be called off, that Mr. Mitchell had ordered it and that it must go ahead.

Now here again, Senator, I do not vouch for any of the reliability of that but that is simply hearsay second- or third-hand.

Mr. Colson said he was also picking up the rumor that Mr. Mitchell had a "blood oath" to Mr. Liddy that there would be a Presidential pardon for Mr. Liddy.

He said that he thought that there was a possibility of Liddy corroborating McCord—pardon me, of Hunt corroborating McCord and you would have a situation of two people testifying to hearsay, so-called double hearsay. He then reported to me on information that they were hearing and again this is in the rumor stage, about two grand juries who were investigating Mr. Mitchell. In addition to the New York grand jury looking into the Vesco matter, that there was a second grand jury in Washington, D.C., which was looking into money which passed from a man named Klein to Mr. Mitchell in consideration of Government contracts for Klein.

Mr. HUNDLEY. Excuse me, Mr. Chairman. I do feel I must break in. I discussed this with Mr. Hunt's and Mr. Mitchell's attorney and note for the record in response to a question, Mr. Ehrlichman has now mentioned the Vesco grand jury in New York, he is touching upon another matter that is completely unrelated to this hearing and I would urge the chairman to rule at this time that there should not be any more evidence taken about this April 13 meeting.

Senator ERVIN. This committee agreed at the start as I understand it, at least agreed when Mr. Mitchell was here and also when Mr. Stans was here, that we could not go into the Vesco matter. While the committee undoubtedly has authority to investigate all campaign contri-

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butions, the committee unanimously felt that out of fairness to Secretary Stans and Mr. Mitchell and in view of the fact that there was an indictment pending about this, that we ought to refrain from going into it. I would, therefore, request that you omit any statement in regard to the Vesco matter.

Senator BAKER. Mr. Chairman, may I say that I entirely agree with you. It really is probably not a matter of law but a sense of fair play that would indicate when there is a criminal case pending, when there is an indictment, when there is a trial impending, that not only the witness who may be the named defendant in this case ought not to have to testify on that subject, but I think other witnesses should be cautioned to avoid it as well. I think the statement is well taken and I commend you for urging that precaution in the interest of fairness.

Thank you very much.

Senator ERVIN. And without objection, the committee will strike from the record any testimony thus far given in reference to the Vesco matter.

Mr. EHRLICHMAN. Mr. Chairman, I might say for myself, I do not feel comfortable about perviewing second- and third-hand hearsay and a great deal of this I cannot, I cannot assert to be true but it is simply my notes of a meeting and what someone else asserted to me.

Senator ERVIN. Yes. I think it is unfortunate that all those of us who interrogated witnesses do not confine our questions to elicit from the witness what he has personal knowledge of or in reference to statements made by parties involved with him. But unfortunately, it seems impossible to enforce that kind of a rule in congressional hearings.

Mr. EHRLICHMAN. If I may skip, then, down to the name Mardian, toward the bottom of that page—

Senator INOUE. Mr. Chairman, in view of the possibility that the rest of this interview might inadvertently touch upon the Vesco trial, I would like to forego any inquiry at this time and go into something else.

Mr. EHRLICHMAN. Senator, could I put something in perspective on the last page of these notes? Somehow or other these notes have appeared in the press and there are a number of adjectives which have been speculated in the press very unfairly to Mr. Mitchell, and I wish, if I may, simply to make clear that these six or seven references to Mr. Mitchell on the last page were Mr. Shapiro's secondhand characterization and did not in any way constitute an evaluation either by Mr. Colson or me of Mr. Mitchell, either as an individual or as a potential witness, and I am afraid some very cruel inferences have been derived from this last page that are totally unjustified and unfair.

Senator ERVIN. Thank you.

Senator INOUE. Mr. Ehrlichman, in the last few minutes remaining I have a few questions here which may be a bit repetitious but just for the record, sir, did the President ever ask in your presence prior to March of this year for information on exactly how the Watergate break-in came about?

Mr. EHRLICHMAN. Yes, sir. In this sense, that on repeated occasions the President asked that a complete and definitive statement of the whole Watergate matter, how it was planned, how it was executed,

2933

Spa RC + Shapiro
Spa RC was Hill up in arms.

Ehrlichman

Hunt (Spa Man) Hestley + Pst-head

Spa Sullivan

Jack P + O'B → H → Dubans

O'B → H - Mar H \$10M

all coming out

McC: latest Hank Greenbaum ref
Leav

Hunt - McC Lally?

airplane ref by

CC mastermind

A Howard Hughes op.

Many variations - H up in it
L: can call it off
JOM orders
out of ahead

out of ahead to L: π padon

2934

used Corrob McCord
Cbl Leersay -

NY - GJ - also v JUM
26 WDC GJ
Klein & to JUM
for go Kō

Klein's → Steve Sachs atty
K a tax evader -

NY - JUM
Hofgren as WH -
Vesco - Leus - Vesco mfg -

\$201
JUM gave apptmt
as G.G.
in T of \$200M

ph: letters

Machin - Phoenix - cover story -
hits CC & H
NY Times -

Big front page 7 leak
Cong exatent

2935

Real to punch -

H: "Dean said
w. the country"

DS:

G 22 Fred Fielding
has much info

S: 1- Re-state Exec Priv
re crim. conduct

Never intended to cover it
No one immune to any
inquiry by GS or legis comm
re act outside scope of
duties criminally -

C 1- An investigator reports
to π

E & FF
damaging @

2- π orders it be given US AP

3- Then HH anti-climax on it

S: Have π man interview Liddy

Reply: no pardon
only clemency comes in talking truth

2936

His Key to W. Gate.
She π should persuade him

- Chi Tr b -

JDM unbalanced
Drunk
Doesn't want to go to 1701
drunk
disorg
never und control
wife

There were other discussions that week in which Haldeman and Ehrlichman talked about pinning this entire matter on Mitchell. I listened with some interest because I did not feel that they would succeed at this and I felt that also they would have to be thinking about how to handle the coverup activities and felt that I would undoubtedly be the target for them to pin everything with regard to the coverup on. As Haldeman and Ehrlichman began to discuss more about getting Mitchell to take the blame for authorizing this plan in the first instance, I began to increase my conversations with the prosecutors about the coverup. The more I told the prosecutors about the coverup the more interested they became in it. At this time, Haldeman and Ehrlichman were still unaware of my direct dealings with the prosecutors.

On Friday, April 13, Fred LaRue came to my office to see me. Before he arrived in my office I again contacted my attorney to advise him that LaRue wanted to see me and I asked what I should do. He again said he thought I ought to meet with LaRue, not to get into testimonial areas, but to make a memorandum of the meeting. I have submitted a copy of that memorandum to the committee.

[The document referred to was marked exhibit No. 34-46.*]

Mr. DEAN. When LaRue and I met, LaRue told me that he thought he was going to be called before the grand jury shortly and he wanted to know what I was going to do if I was called. I told him I was going to tell the truth. I told him I did not believe we should talk about testimony because we could be asked that very question in and of itself before the grand jury. LaRue said, "Let me just ask one question." He asked me if I had made any decisions on the money and I told him that I had not but I had merely passed messages along and returned messages. He said that he had assumed that to be the case and asked me how I was going to handle the persons above me who were involved. I told him again that I was going to withhold nothing from the grand jury and if asked I would respond.

Mr. LaRue also said that he needed some legal advice and I suggested that rather than getting it from me that he ought to get independent counsel. I liked Fred LaRue very much and felt very sorry for him realizing that this probably would be the last conversation we would have for some time and that he was in the middle of this matter not necessarily by his own choice but by the circumstances he found himself in at the time.

The strategy that was now developing was a partial uncovering of the coverup; that is, to get Mitchell to step forward. On Friday, April 13, I went to Ehrlichman's office where Ehrlichman and Haldeman were present and discussing a meeting that they had just had with Colson and his attorney, Mr. Shapiro.

They informed me that Colson had developed a plan to deal with the matter and that was that Mitchell should be smoked out. Ehrlichman said that Colson had concluded that obviously Mitchell had signed off on this matter and he should take responsibility for it to end this thing. Ehrlichman also said that Colson had some other ideas including the fact that the Gray hearings had been very damaging to me publicly and I should certainly not take any position out in

*See p. 1311.

front dealing with the Ervin committee hearings because of this. I might add that Ehrlichman and Haldeman were most cynical about Colson's suggestions and said to me that he was really scrambling to protect himself.

After discussing the Colson plan they told me that Mitchell would be coming down to talk about this entire matter. There was some discussion as to how to smoke Mitchell out. By the week's end it had been decided that the President would meet with Mitchell and ask him about his knowledge and hopefully the President would be able to get Mitchell to come forward. I told them I doubted very seriously if Mitchell would say anything to anyone about this matter. While these discussions were going on, the President called Ehrlichman and they had a brief discussion about the matter. I also recall that at one point in the conversation Ehrlichman said that "He's right here," referring to me.

On Saturday, April 14, I requested my attorney, Mr. Shaffer, to come to my office. I told him that Mitchell was coming down to meet with the President and that there was going to be an effort to smoke him out. I asked him if he had any ideas as Ehrlichman and Haldeman had asked me if I had any ideas. Mr. Shaffer gave me a former prosecutor's answer that what Mitchell needs is a good cross-examination.

I told him I did not think that that was possible by the President because the President was not the cross-examining type. He also made a couple of other suggestions which would have resulted in the President having to appear before the grand jury if he got any admissions from Mr. Mitchell. I passed these suggestions along subsequently to Ehrlichman and Haldeman but they were not viable suggestions.

Mr. Shaffer and I then sat down and began reviewing all the facts that I had related to him. I told him I wanted his opinion based on conversations with the prosecutors and his own knowledge of the criminal law as to who had problems and who could be indicted and who were the targets of the grand jury. Mr. Shaffer and I discussed this for awhile and then I prepared a list of who was likely to be indicted as the investigation proceeded.

I had guests for lunch and it was after lunch that I met with Dick Moore. I had the list in front of me and I thought that I would see what Moore's reaction to it was because I was planning to take it to Ehrlichman and Haldeman later. I showed the list to Dick Moore and told him it had been prepared based on conversations with my attorney and his knowledge of the involvement of various persons.

I told him that I felt that everybody on this list was a potential subject of an indictment. When I showed Moore the list he was quite upset. He said that if indeed that occurred it would be a tremendous tragedy to the country. He was shaken by the list and the seriousness with which I discussed it with him, but I was very serious in my desire to stop the coverup with Ehrlichman and Haldeman so I was appreciative for Moore's reaction. I have submitted a copy of the document I prepared to the committee.

[The document referred to was marked exhibit No. 34-47.*]

Mr. DEAN. Later that afternoon I went to Ehrlichman's office where Ehrlichman and Haldeman were discussing Mitchell's visit. I learned

*See p. 1312.

35. On April 13, 1973, the day Magruder began meeting with the prosecutors, Lawrence Higby, staff assistant to Haldeman, had two telephone conversations with Magruder which were taped without Magruder's knowledge. Higby asked Magruder whether his testimony was going to be damaging to Strachan and Haldeman. Magruder said it would damage Strachan but he had not talked to Haldeman about the Watergate until long after. Higby told Magruder that it wasn't in his long or short term interest to blame the White House. On April 14, 1973 Ehrlichman and Haldeman reported these conversations to the President. Ehrlichman told the President that Higby had handled Magruder so well that Magruder had closed all his doors now with this tape; that the tape would beat the socks off Magruder if he ever got off the reservation.

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35.1 Jeb Magruder testimony, 2 SSC 808, 851.....	610
35.2 Tape recording of telephone conversation between Jeb Magruder and Lawrence Higby, April 13, 1973 (received from SSC), and House Judiciary Committee transcript thereof, 9-10, 12-13, 14-16, 21.....	612
35.3 White House edited transcript of meeting among the President, H. R. Haldeman and John Ehrlichman, April 14, 1973, 8:55-11:31 a.m., 1, 7-9.....	656

Mr. DASH. And Mr. Haldeman knew that then, did he not?

Mr. MAGRUDER. I cannot recall in my meeting with him in January whether—yes, I am sure I did discuss those meetings, yes.

Mr. DASH. So the attempt to get together and agree on that meeting was an attempt to get together and agree on at least from your point of view, would be the full story?

Mr. MAGRUDER. That is correct, Mr. Haldeman recommended that Mr. Dean and Mr. Mitchell and I meet, which we did that afternoon.

Mr. DASH. What was the result of that meeting?

Mr. MAGRUDER. I realize that Mr. Dean had different opinions then as to what he would do probably, and so then my—I thought that probably it was more appropriate that even on that Monday that I get separate counsel so that I could get advice independent of the individuals who had participated with me in these activities.

Mr. DASH. In other words, you really could not agree at the meeting with Mr. Mitchell and Mr. Dean.

Mr. MAGRUDER. Well, it was cooperative.

Mr. DASH. What was Mr. Dean's position?

Mr. MAGRUDER. He would not indicate a position.

Mr. DASH. All right. Did there come a time when you did get independent counsel?

Mr. MAGRUDER. Yes, Mr. Parkinson, who was counsel of the committee, recommended Mr. Bierbower and on that Saturday I went to meet him, he was out of the country, and I met him and we agreed, he agreed to be my counsel that Saturday evening.

Mr. DASH. Did there come a time when you decided that you should go to the U.S. attorney's office?

Mr. MAGRUDER. Yes, that is correct.

Mr. DASH. When did you go to the U.S. attorney's office?

Mr. MAGRUDER. We agreed, they discussed the things with the U.S. attorney, I think on April 12 and I saw them informally on April 13 and saw them formally on April 14 on Saturday, April 14.

Mr. DASH. At that time did you tell everything to the assistant U.S. attorneys?

Mr. MAGRUDER. Yes, I cooperated.

Mr. DASH. Who did you meet with?

Mr. MAGRUDER. Mr. Silbert, Mr. Glanzer, and Mr. Campbell.

Mr. DASH. Did you tell them everything you are now telling this committee?

Mr. MAGRUDER. Yes.

Mr. DASH. Did you have a meeting afterward with Mr. Ehrlichman?

Mr. MAGRUDER. Yes, Mr. Ehrlichman called while I was with the U.S. attorneys and asked me would I come over and talk to him about the case. We talked to the U.S. attorneys and they agreed as a courtesy that we should and Mr. Bierbower and the other attorney with Mr. Bierbower and I went to see Mr. Ehrlichman that afternoon.

Mr. DASH. Then, according to that meeting that you had with Mr. Ehrlichman, what happened?

Mr. MAGRUDER. We told him in rather capsule form basically what I told you this morning.

Mr. DASH. All right.

Now, I have just two final questions. I want to go back to the time when you came back from California to Washington, putting you back

Mr. MAGRUDER. Now, you have to remember that the only person that I know of who sent Mr. Hunt to work for Mr. Liddy was Mr. Howard who worked for Mr. Colson so that someone like Clark MacGregor would have no knowledge of Mr. Hunt, either. I think Mr. MacGregor, as an example, was completely in the dark throughout the entire campaign and probably today is glad that he was. [Laughter.]

Senator MONTOYA. Now, how many times would you say you talked to him? You haven't answered that question.

Mr. MAGRUDER. I am sorry, talked to—

Senator MONTOYA. To Mr. Haldeman about the Watergate.

Mr. MAGRUDER. I talked to him the day after the break-in on Sunday, I talked to him in January—now, about the true facts about the Watergate only in January. We talked during the campaign a number of times, not very often about the public relations aspects but not about how it happened, of how we were going to counteract the press activity that was occurring during the campaign, quite a different story, and you did not have to be involved in the break-in to try to handle it.

Senator MONTOYA. You mean you could handle it, publicitywise, if you didn't know the details?

Mr. MAGRUDER. Yes, sir, I know many people did handle it who did not know the details.

Senator MONTOYA. Then you had an April meeting from which you emerged and went down to the CRP and told, I think, Mr. Porter that the secrecy was out and now you could divulge everything?

Mr. MAGRUDER. That is correct.

Senator MONTOYA. You told Mr. Porter that, didn't you?

Mr. MAGRUDER. Yes, sir.

Senator MONTOYA. Now, who participated at this White House meeting in April when this decision was made or communicated to you?

Mr. MAGRUDER. Let me move back.

On the Wednesday before, I think it was a Wednesday, I called Mr. Haldeman's office, I think this conversation is taped and I talked to Mr. Higbe who was his assistant and I said, "Larry, I have, as you know, specific problems and it is very difficult for me to continue my position on this matter. Could you ask Bob if there are any instructions that I should have that would be beneficial to me?"

I was basically asking for guidance from Mr. Haldeman. Mr. Higby came back to me and said, "Yes, Bob can't talk to you but he wants you to know that the President wants you to tell the truth," and "or he wants you to tell the truth," I am not sure whether it was the President or he, "and that you should take the advice of your lawyers."

Then, on Thursday and Friday my lawyers dealt with the U.S. attorney's office. On Saturday I met with the U.S. attorneys in the morning and through the afternoon. Mr. Ehrlichman called my attorney's office and asked me if I would come to his office. The U.S. attorneys and my attorneys agreed that that would be appropriate as a courtesy. We went, my two attorneys and myself went to Mr. Ehrlichman's office and, in effect, gave him a capsule version of what I have discussed today. My understanding is that he taped that conversation also.

Senator MONTOYA. Now, who called you at the U.S. attorney's office, Mr. Haldeman or Mr. Ehrlichman?

35.2 TRANSCRIPT OF CONVERSATION, APRIL 13, 1973

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY
STAFF FOR THE HOUSE JUDICIARY COMMITTEE OF A
RECORDING OF A TELEPHONE CONVERSATION BETWEEN
JEB MAGRUDER AND LAWRENCE HIGBY ON APRIL 13, 1973.

FEMALE
VOICE:

No. He's not here. I don't know when he'll be in.
Can I have him call?

HIGBY:

Uh, has he been in today?

FEMALE
VOICE:

No. Not at all.

HIGBY:

I see. He's at home probably.

FEMALE
VOICE:

Probably, we haven't even heard.

HIGBY:

Okay. Thank you.

FEMALE
VOICE:

Okay.

HIGBY:

Bye.

* * *

HIGBY:

Hi.

MAGRUDER:

Hello.

HIGBY:

How are you?

MAGRUDER: All right.

HIGBY: Say, I wanted to call you. I've just picked up a story here that really bugs the shit out of me. Ehrlichman just called down here and says that he's received word that you have talked to two reporters and given the story out with regard to Watergate,

MAGRUDER: That bullshitter.

HIGBY: that said that you had talked to them and in the story, you mention the fact that you'd talked to Haldeman regarding the bugging in general and the Watergate specifically.

MAGRUDER: I don't know what he's talking about.

HIGBY: Also said, uh, that

MAGRUDER: Larry -- Look [unintelligible]. Larry,

HIGBY: Mitchell had no knowledge of the Watergate

MAGRUDER: Larry,

HIGBY: or control over the Committee.

MAGRUDER: stop the bullshit. I'm not going to fool around. I didn't talk to any reporters. Now that's ridiculous.

HIGBY: Really?

MAGRUDER: God damn it!

HIGBY: Well I can't believe it because I can't understand what the hell kind of a game you'd be playing in trying something like that.

MAGRUDER: Damn it Larry. No, I told you the other night. Didn't I? Now what do you guys have to have? A God damn television set?

HIGBY: Well you told me the other night --

MAGRUDER: I told you the other night, I was going to do what my lawyers told me to do.

HIGBY: That's right and I can't believe they would --

MAGRUDER: [Unintelligible] my lawyers aren't going to tell me tell me to go tell two stupid reporters. Now Jesus Christ, would you guys start thinking!

HIGBY: Well, that's why I wanted to call you, Jeb. I couldn't believe it.

MAGRUDER: Well, it's just ridiculous.

HIGBY: Is somebody trying to screw you here?

MAGRUDER: I don't -- Who the shit cares anymore? You know?
I mean this is just ridiculous. I don't know who
thinks anybody's kidding an-- who anymore. I mean
that kind of crap. Jesus Christ. I mean that just
makes me sick, Larry.

HIGBY: It makes me sick too because I can't see what possible
gain you would have (1) by talking to the press in
general

MAGRUDER: Yeah.

HIGBY: and by (2) giving them any kind of a story like that.

MAGRUDER: First of all [unintelligible] wrong.

HIGBY: But I, uh, I wouldn't even have said, said anything like
had, had Ehrlichman not hit me directly on that. He was
trying to reach Haldeman, Haldeman was in with the
President. And I said uh, I said, "What's the problem
John?" And he went through this thing. And I just
about dropped my drawers.

MAGRUDER: Well Larry, look, you know, the game is over on this whole
thing and I am certainly not going to go and tell a reporter
or two reporters and if I do, I'm not going to tell them
a story that's absolutely ridiculous.

HIGBY: In other words, you haven't talked to any reporters.

MAGRUDER: I haven't talked to any reporters. I haven't talked to reporters on this story since, you know, who knows when, as far as any substance is concerned. You know, that's, you know there's no reason to do that Larry.

HIGBY: I couldn't believe that.

MAGRUDER: Now there's no reason. But, uh the worst place would be to tell reporters. You don't tell reporters. McCord may -- that's his problem. Shit. Secondly, I wouldn't tell them an incorrect story.

HIGBY: Did you talk to Haldeman?

MAGRUDER: Well other th--th--th-- not only did I talk -- that is minor. Uh, I may or may not have talked to Haldeman, right? But I certainly wouldn't tell him the story that what -- Mitchell was not involved?

HIGBY: Uh, the, the quote was out of the story, that, uh John just had it cold, which I couldn't believe. He said that, that you, you, told the-- these two guys it-- He wasn't sure if it was one interview or two -- that first of all you had no knowledge, that Mitchell had no knowledge of Watergate, or he had no control over the, and he had no control

over the Committee.

MAGRUDER: Jesus Christ. That's just ridiculous. That isn't even, you know -- What, does Ehrlichman need his head examined?

HIGBY: Well I don't think John -- no, John wouldn't, wouldn't jump to conclusions on something like that. He must have got it somewhere that was factual.

MAGRUDER: He maybe got it from somewhere. I don't -- Yeah, I've done so much junk on this that I can't believe it. I've told you. I told you the other night. I asked you if, if there was any direction I should get from, from Bob.

HIGBY: [Unintelligible] and the direction was: do, do exactly what your lawyers tell you to.

MAGRUDER: That's what exactly what I'm going to do.

HIGBY: And then you said you were going to go up and see Mitchell. And I thought Jesus Christ, maybe Mitchell told you something, and, and this was the result of that.

MAGRUDER: No. No, Mitchell didn't tell me anything at all. Mitchell had told me something, yes. But that had nothing to do with -- [draws breath] I mean Mitchell has his own desires in this case as you know which may be in con-- conflict

now with mine. I don't know.

HIGBY: Oh, really?

MAGRUDER: Well, yeah. Very well may be in conflict with mine.

HIGBY: Does he, what does he -- What position's he on now?
Still the same one?

MAGRUDER: Yeah, I mean I don't, uh --

HIGBY: Stonewall it?

MAGRUDER: That's right. I don't see that I can stonewall it,
Larry, probably.

HIGBY: Yeah.

MAGRUDER: My lawyers don't and I doubt if I can.

HIGBY: Yeah.

MAGRUDER: I think I is going to be in Lewisberg quite soon Larry.

HIGBY: Who is?

MAGRUDER: I am.

HIGBY: Oh, I --

MAGRUDER: Oh [Laughs] Larry, I mean you know.

HIGBY: Well the thing I couldn't understand --

MAGRUDER: [Unintelligible] fool around. This fooling around.
I'm not talking about published stories. I'm probably
going to jail, Larry. God damn it.

HIGBY: Of all the, of all the, the guys to turn on though, Bob
-- I just couldn't believe it. 'Cause, uh, you know,
Bob has been the guy that has brought you here and, and --

MAGRUDER: Do you think I would turn on Bob?

HIGBY: I honestly didn't. That's why I couldn't believe this
story. And I told Ehrlichman I thought it was, you know he's
probably got a crock of shit here. And he said, well,
"Would you please get this to Bob. Bob's still in with
the President." But I wanted to get the damn thing to
you to find out what the story was.

MAGRUDER: All right. But, I mean the fact is that, that if I have
to discuss the case, I will discuss it only with the proper
authority and obviously, if I do discuss the case, and
have to get to that point, I'm going to have to tell them
the facts. I'm not going to lie any more.

HIGBY: Yeah.

MAGRUDER: I've committed perjury so many times now that I'm, uh,

you know, I'm uh, I've got probably a hundred years on perjury alone.

HIGBY: Well, I just couldn't believe you'd go around telling --

MAGRUDER: I would not tell reporters. If I tell the story, I will tell it to the proper authorities, which is not the Senate. I would tell it to the appropriate U. S. Attorney's Office. Uh, and I would tell it as, as I know it, and I would tell all the truth fully and completely.

HIGBY: Well, I just couldn't see why, where you would have anything to gain for yourself by turning on the White House or by, uh, turning on Bob.

MAGRUDER: Larry, you've got to realize, I'm not going to turn on anybody. I probably, if I have to, will tell the story. If I do. I haven't decided yet if I will.

HIGBY: Well, if you tell the story, I don't think Haldeman has anything to worry about.

MAGRUDER: [Unintelligible] nothing to worry about. Now you, you --

HIGBY: 'Cause you never discussed this God damned thing with him.

MAGRUDER: Larry, there's no problem. Now you've got one guy who,

uh, maybe has a problem. You know that.

HIGBY: Who?

MAGRUDER: Your friend. My friend. If I ever have to.

HIGBY: Who? Gordon?

MAGRUDER: Gordon, of course.

HIGBY: Yeah.

MAGRUDER: But that's, that's life. I mean, you know, we've ruined every half -- you know. You know.

HIGBY: Hm.

MAGRUDER: Our lives are all ruined right now anyway. You know, most of ours. Mine is certainly and so will many others before this is over. I think we ought to realize that.

HIGBY: Well, the thing that bothered me is by, by, if, if something like this had come out, obviously I'm worried about Bob, but,

MAGRUDER: Course you are. You should be.

HIGBY: but that just put,

MAGRUDER: Well --

HIGBY: but that just puts it right at the President.

MAGRUDER: I would not, under any circumstance, discuss anything with anyone outside of my lawyers and the U. S. Attorney's Office, number one. All right?

HIGBY: He -- and you didn't do that.

MAGRUDER: I have not talked to any reporters. I did not discuss that --

HIGBY: Ehrlichman was so God damned sure about it.

MAGRUDER: Well you tell Ehrlichman to go to hell. For me. I mean, you just tell him. I'm tired of this bullshit. You know, we're not playing games anymore. I is going to go to jail, Larry. You know, I mean there's no question about it: I'm going to jail. The question is for how long, is all the question is now.

HIGBY: Are you at home now?

MAGRUDER: No, I'm here at the attorney's office.

HIGBY: Well, okay. I wanted to get it to you and I'm just going to, I'm going to, I'm going to lob in our conversation in the notes I've made here, uh, along with this Ehrlichman thing, 'cause (1) either Ehrlichman's guy is full of shit, or you are.

35.2 TRANSCRIPT OF CONVERSATION, APRIL 13, 1973

MAGRUDER: Well, huh, I guarantee you when the facts are known, you will find I talked to no one.

HIGBY: Really?

MAGRUDER: Except my lawyers.

HIGBY: Huh.

MAGRUDER: I've talked to no one else yet and I have not decided whether I will talk to the U.S. Attorney's Office. If I do, --

HIGBY: Huh.

MAGRUDER: Uh, I'm sure they will get all the facts, as I know them. They will have -- Bob. Haldeman will have no problem with those facts.

HIGBY: Huh.

MAGRUDER: John Mitchell will. John Dean will. And Gordon will, probably.

HIGBY: Well, my friend, if there's anything I can do, let me know.

MAGRUDER: As I told you, I'm still with everybody. The, the thing is that, uh, you know, I am facing between a hundred, hundred and twenty-five year sentence.

HIGBY: Jesus Christ.

35.2 TRANSCRIPT OF CONVERSATION, APRIL 13, 1973

MAGRUDER: At uh -- Now, obviously, I'm not going to do that, I mean serve that, but, uh, uh, uh -- [sighs]

HIGBY: Well your best thing I would guess is has to -- I mean you, you can't screw this place in the process of doing that,

MAGRUDER: I, I --

HIGBY: for long term or short term.

MAGRUDER: No, I can't. Larry, I'm probably going to have to -- I don't know what I'm going to do. I can't, I can't lie any more.

HIGBY: Yeah.

MAGRUDER: I cannot lie any more. I've lied --

HIGBY: Yeah.

MAGRUDER: been to the Grand Jury. I've protected John Mitchell. I've protected the President

HIGBY: Yeah.

MAGRUDER: when it was important. Uh, the story is going to come out. I have to do what I have to do now to protect whatever I can, and I --

HIGBY: Did, is somebody else talked to the press or something, Jeb? Uh, when you say the story is going to come out, I just --

MAGRUDER: I, I'm sure -- Well, I can't -- I don't know who could talk to the press about that.

HIGBY: I see.

MAGRUDER: Uh, I mean, maybe somebody has. I don't know. Uh, the number of players in this game and the number of uh, people who are talking now are, is, is enormous. I mean, half the White House staff has been down to the Grand Jury.

HIGBY: Well, you know, I've been on the periphery of this God damned thing and it -- to my knowledge you never did talk to Haldeman about any of this kind of bullshit.

MAGRUDER: Well I did talk to him one time long after it was over.

HIGBY: Yeah, I mean before it was started.

MAGRUDER: Of course not. Jesus Christ, no! The only person I ever dealt with was Gordon. You know --

HIGBY: Yeah.

MAGRUDER: that, Larry. I never talked to you about it.

HIGBY: I know that.

MAGRUDER: I talked to Gordon, is all I talked to.

HIGBY: Did, did Gordon ever relay to you any instructions from Haldeman on it?

MAGRUDER: Nope.

HIGBY: He didn't.

MAGRUDER: He, he, he did in --, he never relayed --

HIGBY: He never said to you anything like, uh, "Haldeman says to go ahead with the bugging," or any of that kind of bullshit?

MAGRUDER: No, No.

HIGBY: Huh.

MAGRUDER: He indicated to me --

HIGBY: Well you told me once that was the case.

MAGRUDER: No, well let me tell you what he did indicate as best I can recollect, and, it's hard to recollect exactly what happened. He did indicate to me that, uh, uh, that, you know, how do you put it, that it was, uh,

not approved or anything like that, but that, that they, he, Gordon, had heard or did not have any disagreement with it, or something to that effect.

HIGBY: I see.

MAGRUDER: No indication that Bob had ever seen anything --

HIGBY: Or the President?

MAGRUDER: Shit no. Nothing at all. Look, Larry, there is no way, in anything I will ever say that will im-- implicate the President of the United States in anything.

HIGBY: Yeah. Well, I'm going knock the shit out of this story --

MAGRUDER: You know,

HIGBY: and Ehrlichman.

MAGRUDER: you know, I mean, you know these stupid sons-of-bitches are sitting there, uh, you know, and

HIGBY: You might want to, you might want to keep your ears open and have your people because this story must be floating around if John's picked it up.

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MAGRUDER: Look, you know damn well that there's a rumor that they're going to dump everything on me. You know that Larry.

HIGBY: No I don't.

MAGRUDER: Well, the rumor's all over town on that basis. That Magruder is the pigeon and he's going to take it -- all the gas.

HIGBY: Well,

MAGRUDER: Damn it.

HIGBY: Okay.

MAGRUDER: And I'm sure that there's all sorts of people that are going to, would love to dump it on me and I understand that. I understand that I am the easiest one right now to dump it on. But I tell you right now that the President will never be implicated, when I tell, if I tell the truth, and I will tell the truth if I talk. Obviously, I'm not going to re-perjure myself Larry.

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HIGBY: Yeah, yeah.

MAGRUDER: I mean, I can't go down and lie.

HIGBY: Okay my friend.

MAGRUDER: But, uh --

HIGBY: I just wanted to give this to you.

MAGRUDER: [unintelligible] the problem with me --

HIGBY: Well, Bob doesn't know about this yet.

MAGRUDER: Well he doesn't have any problem because there isn't any problem. Other people will have a problem that I'm afraid like I have to face, they are going to have to face.

HIGBY: Yeah.

MAGRUDER: I'm sorry, but we are going to have to face it.

HIGBY: Okay.

MAGRUDER: And you, you know, you guys ought to realize that, uh --

HIGBY: Has Mitchell given you any advice?

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MAGRUDER: Yes.

HIGBY: What's he, what's he want you to -- or do you not want to get into it?

MAGRUDER: I can get into it but I haven't talked to Mitchell yet. When I make my decision --

HIGBY: Oh, didn't you go up and see him?

MAGRUDER: No.

HIGBY: I thought you went up to see him.

MAGRUDER: I was going to, but I decided since I hadn't made my decision --

HIGBY: You know, after you and I talked.

MAGRUDER: Yeah. But I hadn't made my decision, Larry. I just said to my -- said to you, I think that, that I've got to do now what I feel has to be done based on my, the advice of my lawyers.

HIGBY: Well that's exactly what Bob feels you should do.

MAGRUDER: Bob feels -- now, if what my lawyers tell me to do is to make a clean breast of things -- get the thing out in the proper judicial form, by the way, not in any press story --

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HIGBY: Yeah.

MAGRUDER: Uh, then I will tell John that. Of course, he will be upset with me because I obviously will implicate John Mitchell.

HIGBY: Uh hm.

MAGRUDER: Uh, and you know that Larry.

HIGBY: Well, I don't know that of my own accord. I mean everything you read would indicate --

MAGRUDER: -- would indicate that. I will implicate John Dean uh, and I'll implicate Gordon

HIGBY: Hm.

MAGRUDER: to some extent. Uh --

HIGBY: I was going to say, if Gordon, if you just had that one conversation then.

MAGRUDER: No we didn't. See, he got everything, Larry, from me.

HIGBY: Oh.

MAGRUDER: And he knows that but, I'm sure he did nothing with it by the way, it was all junk. The whole thing was a waste of time.

HIGBY: Yeah. [Draws breath] O.K.

MAGRUDER: You can guarantee Bob there is never going to be any problem, uh, no matter what I say, 'cause he never had anything to do with it as far as I know.

HIGBY: [Unintelligible]

MAGRUDER: And I can tell that truthfully and honestly.

HIGBY: Very good sir.

MAGRUDER: All right. But would you knock that other thing down --

HIGBY: Yeah, I'm going to, I'm -- Oh I'm going to do more than knock it down, I'm going to shove it up somebody's rear.

MAGRUDER: You know, uh, he isn't facing the problem I'm facing. I'm not going to screw anybody other than --

HIGBY: Yeah.

MAGRUDER: what has to be done now to get this thing solved.

HIGBY: Yeah.

MAGRUDER: You know.

HIGBY: O.K. sir.

MAGRUDER: O.K. Larry.

HIGBY: Yep, see you later.

MAGRUDER: O.K.

* * *

MAGRUDER: [unintelligible] anyone [unintelligible]

HIGBY: Yeah.

MAGRUDER: One thing you should be aware of, I'm sure, and I thought you all would be and, is that the standard line our Committee is taking, that, Shumway has taken, that Mitchell has taken when asked, that I have taken when asked, anyone has taken when asked is we, at the present time, so far, anyway, had no knowledge of the Watergate.

HIGBY: Yeah.

MAGRUDER: And that we did not, and if asked the question: "Do we have any knowledge of anyone else?", we've said not to our knowledge.

HIGBY: Uh hm.

MAGRUDER: Now, what they're trying to do which has been very obvious, by the way, to me anyway, is they're trying to get Shumway, as an example, to say, well that means

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that you mean that someone else maybe had something to do with it like, you know, X or Y or Z. They've done that and I'm sure there's -- going to continue to do that until it's out.

HIGBY: Uh hm.

MAGRUDER: Playing people off against [unintelligible]. I think

HIGBY: Yeah.

MAGRUDER: that's very understandable as having happened.

HIGBY: Yeah.

MAGRUDER: It will continue to happen. Now I've heard all sorts of things, Larry, about people trying to dump it off on me, as an example.

HIGBY: Hm.

MAGRUDER: I don't reply to those. I don't get mad and call you or Bob and say, "Would you tell X to stop some of it." Right? There's no purpose in it any more.

HIGBY: Yeah.

MAGRUDER: Just -- You've got to ignore those kind of [unintelligible]

HIGBY: Well I was, I was (1) of, of course shocked, and, and, and skeptical; (2) wanted to make sure that, you know, if I could recede before this thing got into Bob, before everything started flying apart here --

MAGRUDER: Right.

HIGBY: and see what the story was. Also, (3) to find out if there was any truth to it.

MAGRUDER: Well, you know, it's just, uh, you know, there's no, you know, as -- let me t--, let me take the kind of thing though that we've got to expect they're going to do and they've done it already.

HIGBY: Who is the they?

MAGRUDER: Anybody, I mean, you know, Woodward and Bernstein, say, who we won't even talk with as an example. I mean Shumway will not talk with them, as an example. Those are the guys that have -- the Post guys. Is what they did on Sunday, is say: If Strachan had any knowledge, you know, therefore, since he is a runner, X has knowledge.

HIGBY: Yeah.

MAGRUDER: Now, you, you, you've got to figure that's what they've done to me. They've said, well: If Magruder had any

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knowledge that means obviously Mitchell did. That kind of uh, of uh, technique. And I fully expect them to continue doing anything of that kind if they can get away with it.

HIGBY: Yeah.

MAGRUDER: I mean they've done it; they continue to do it. I mean the Post particularly but, uh, [draws breath], you know, you name it, every one has done that kind of thing: That therefore if Liddy did it, it couldn't be Liddy, it must be someone else, therefore it must be Magruder, or maybe Dean, and if Dean did it or Magruder did it therefore it must be other people.

HIGBY: Yeah.

MAGRUDER: And the same with Gordon on Sunday. The guy in the Post did that for Gordon,

HIGBY: Yeah.

MAGRUDER: if you remember. But, uh, if I called you every time somebody said to me, "The White House guys are saying --," you know, I'd call you every day.

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HIGBY: Oh, well this was a complete break, though. And, I mean, the way this came across, and as I say, with Ehrlichman saying it.

MAGRUDER: Yeah.

HIGBY: He doesn't, he doesn't just blithely go around doing it. I wish I knew where he got it from. I think -- wasn't in a position to ask him. But, uh, when he, when he says it, obviously I'm, if I'm, I'm going to call you.

MAGRUDER: Sure. Of course, I, I understand that.

HIGBY: And, uh, obviously, that, were it true, that would have been, been a substantial problem.

MAGRUDER: Of course it would. But you're not going to have that problem, because that isn't true.

HIGBY: Yeah.

MAGRUDER: You know.

HIGBY: He said, he, he said that apparently it was -- come from two unimpeachable sources.

MAGRUDER: Well that's a lot [ring] of -- you know, unimpeachable sources, have on occasion --

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HIGBY: Oops. That's Haldeman calling from the President's
 office. [ring] Bye.

[Higby speaks immediately to Haldeman]

HIGBY: Yes sir.

HALDEMAN: Do you believe Magruder?

[Twenty-one second silence]

 * * *

MAGRUDER: Hello.

HIGBY: Oh hi Jebber, I am sorry.

MAGRUDER: How are you?

HIGBY: I, -- Patty just banged on here and said that you'd
 been trying to get me.

MAGRUDER: Yeah, well I, you know, I just wondered if you had any
 follow-up. I didn't -- I'm really disturbed by that
 Larry.

HIGBY: No. Uh-uh. I just, uh, I haven't gotten any follow-
 up yet. Bob's now up in John's office. If I get any,
 I'll get back to you though. [Unintelligible]

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MAGRUDER: Well, I just, you know, that kind of stuff is just, you know -- Well, I mean this, you know, well it just tees me off that we've had all, you know, if I'd, if every time everybody said, "Colson said this or Clawson said that, or so and so said that --," yeah, I'd -- well, yeah.

HIGBY: How are you doing?

MAGRUDER: Oh? Badly.

HIGBY: Badly, huh. Are you home now?

MAGRUDER: No. I'm going to go, I'm -- we got to, we're going to go out. I got to -- you know, next week I -- you know next week's going to be, bad week, probably, I guess. They'll probably call me down there next week.

HIGBY: Have you got any uh, subpoenas, summons yet, or anything?

MAGRUDER: No, not yet. But I figure they're getting pretty close.

HIGBY: What about Mitchell?

MAGRUDER: No. I don't think, I think they'll go after me first and then go down, you know.

HIGBY: When -- it sounded to me like you really had kind of made a decision when we talked.

MAGRUDER: Well, I haven't made a decision, I've just --

HIGBY: Your lawyers advised you or

MAGRUDER: Well, the problem is --

HIGBY: are you tucking it out or what?

MAGRUDER: the, the lawyers are, you know, they're new and so, the problem more is that, uh, is that, uh-- Well, you see, I don't have any uh, I don't have any chips. You know, I'm out of the bargaining position. So all I can do is go down and -- All of us now are out of the bargaining position, Larry.

HIGBY: Really?

MAGRUDER: Well, I think so. I don't think anybody's got any bargaining room left. So you -- I guess, uh, we are going to do one of two things when they call me. I'll go down and, and, uh, tell them the facts or I'll take the Fifth Amendment and, uh, take a trial.

HIGBY: Haven't you decided which to do yet?

MAGRUDER: No. I mean it -- they haven't decided. I'm just you know, doing just what I've got to do, is let them decide. You know, what -- if they think that the, uh, case is so bad that I can't, uh, get a good situation by talking, then I've got to go with the Fifth Amendment.

HIGBY: I see.

MAGRUDER: And if they think I can do better by not -- See, by going the Fifth Amendment you may be able to beat it, not, uh, in the sense of uh, beating them in the, uh, you know, the truth sense, but beating them by, by legality, technicality, uh,

HIGBY: Yeah.

MAGRUDER: prejudicial jury, uh pre-trial publicity. Uh, and you go that way, I guess if you can't, uh, if you're going to get hung anyway.

HIGBY: Um hm.

MAGRUDER: That's, I think, the problem almost all of us are facing with them.

HIGBY: Have you talked at all to Mitchell?

MAGRUDER: Not yet. Because I haven't made up my mind. And when I make up my mind, I'll tell him, first, you know.

HIGBY: Yeah.

MAGRUDER: And let you all know, and --

HIGBY: But you haven't called him or anything?

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MAGRUDER: Well, I've talked to him. But you know, he wants me to stay

HIGBY: Um hm.

MAGRUDER: you know.

HIGBY: Jeess, you surprised me. I didn't realize Gordon had been involved to [unintelligible] any extent.

MAGRUDER: Well I don't -- I didn't say that. I mean, I don't want to say anything to you that's going to upset you.

HIGBY: Well, it's not going to upset me. I mean, the truth is going to come out I guess, sooner or later.

MAGRUDER: Sooner or later. Maybe not, you know. If I, if I, take the Fifth and it never comes out -- It just, I just take the Fifth and that's the last thing I ever say.

HIGBY: Um hm.

MAGRUDER: You know, and then you hope that, uh -- I think next week will be the week we will all figure out, find out, what to do. I, I'm shooting sure Dean's got the same problem I've got.

HIGBY: Really?

MAGRUDER: Well, I mean, we're all past the point where we're in a--, You know, two months ago, then you were in a bargaining position, I guess, you know. Before McCord. But now, hell, they don't, they don't need us any more. Hell they had, they got, uh, you know, they got everybody down there. A parade of people.

HIGBY: Really?

MAGRUDER: Yeah. Well, I don't know exactly. I don't -- Nobody knows exactly. I don't know exactly. But I've seen the list of witnesses. They have Reisner, Pal Moore, you know --

HIGBY: Yeah.

MAGRUDER: All these guys just build up the case. [draws breath] So, it's not too encouraging.

HIGBY: Jesus. Hell, it sure as hell isn't.

MAGRUDER: But, uh, may be better get it out, uh, sooner or later and get the President out of it, so he doesn't have to worry about it any more and let the rest of us, uh, pay the penalty.

HIGBY: Who the hell could have talked to, to the press, I wonder?

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MAGRUDER: Well, Larry, I think a lot of people are talking to the press. That's, uh, you know, uh, uh --

HIGBY: Do any of the guys approach you?

MAGRUDER: Oh yeah, by the way, I've talked to people. It isn't that we haven't talked to them. We have done that purposely. But we've taken a standard line. Right now, up till now, which is that we had no knowledge of the, you know: blah, blah, blah.

HIGBY: Yeah.

MAGRUDER: But, uh, we had not to my knowledge, and I, I don't -- can't think of any instance where in any of my discussions, the few that I've had, and I've had them only when Van thought that it was best for me to talk to them, uh, which have not been too often.

HIGBY: When was the last time you talked to --?

MAGRUDER: Oh shit, I can't think of the last -- late, early this week, probably.

HIGBY: Really? Monday or Tuesday, huh?

MAGRUDER: Maybe.

HIGBY: Huh!

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MAGRUDER: I can't, you know, I'd have to go back and look. Yeah, I'm sure I talked to uh -- The one guy at the Star has been legitimate, and we haven't had any problem with him. The ones who have been legitimate. But the point is, is that, uh, no time would they -- the only thing they do, now -- You know what they're doing, is they do supposition stuff. You know, they've done it on Shumway all the time. You know:

HIGBY: Yeah.

MAGRUDER: If so and so knew, wouldn't it be likely? And of course you say, "Well I don't know anything about that." Sure the guy reported to them. Yeah, but that doesn't mean anything, you know. You know, that kind of, you know, if, if Magruder -- they pulled this -- if, if Magruder knew, therefore wouldn't Mitchell know. Question.

HIGBY: Yeah.

MAGRUDER: They've done that on us all the time.

HIGBY: Sure.

MAGRUDER: Which is very understandable.

HIGBY: Hm.

MAGRUDER: But I would say one thing, Larry, and I mean this sincerely, you guys ought to forget about the press. In this case. Anymore. That's not the problem, Larry.

HIGBY: Uh hum.

MAGRUDER: You, you know the press are the minor problem in this case. No one is going --

HIGBY: Obviously it could be a problem on something like that.

MAGRUDER: Well, it won't be because the facts eventually will come out and no one is going to say, that I know of, at least certainly I'm not, uh, in any way, shape or form that I had any dealings with Mr. Haldeman. It's just -- I never did.

HIGBY: Yeah.

MAGRUDER: Now there's no way I am going to say that, Larry. When I, I have to tell the truth, I'm going to tell the whole truth, and it ain't going to be a mixture of truth and half -- and why would I any way, shape or form ever want to do that with Bob anyway unless it was true?

HIGBY: Yeah. I couldn't understand why you would.

MAGRUDER: So what you've got is a misinterpretation or a uh, case where a guy is trying to make a case. I've had this happen now so many -- I've had these guys call me and say, "Look, I've got good sources in the White House who say that you're the guy and it's all your fault and so on--," and they've named names to me.

HIGBY: Jimminy Christmas.

MAGRUDER: You know, I just say --

HIGBY: In the White House, they've named names of people who have said that?

MAGRUDER: Yeah.

HIGBY: Who?

MAGRUDER: Oh, you know, all the guys I have mentioned.

HIGBY: Who?

MAGRUDER: Oh Larry --

HIGBY: You haven't mentioned any White House guys. I can't believe it.

MAGRUDER: Yeah.

HIGBY: That any White House guys would be saying that.

MAGRUDER: Yeah. And they've even named names in my case.
Which they don't usually do but they --

HIGBY: Like who? Seriously, that's terrible.

MAGRUDER: Larry, it's not, it's not -- I know it's terrible,
but it's not important. I just ignore it. I say fine,
print it.

HIGBY: Are they responsible guys?

MAGRUDER: Yeah. Oh yeah.

HIGBY: High up guys here in the White House?

MAGRUDER: Oh yeah. Yeah. But it's past that point to fool with
that. I don't even fool with that any more. I could
care less right now. [Unintelligible] interested in
the press, Lar. Nobody should now. Other than getting
the thing settled so the President comes out.

HIGBY: When do you think your guys will have a decision on what
the hell you ought to do?

MAGRUDER: Oh I would take a guess, probably next Tuesday, or
Wednesday.

HIGBY: Not till Tuesday or Wednesday?

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MAGRUDER: No -- Yeah, yeah, not until Tuesday --

HIGBY: What, are they evaluating your discussions now?

MAGRUDER: Yeah. They, see they haven't gotten into it -- until, till, really until, uh late last week and then they were gone this, early this week at this conference down at the Homestead and they just got back in it on Wednesday.

HIGBY: Yeah.

MAGRUDER: and, uh, you know, there is just a lot of stuff they've got to -- they play catch-up ball. None of us had our own lawyers we were all dealing with Committee lawyers --

HIGBY: Where does Colson fit in this whole thing? You crossed his path anywhere?

MAGRUDER: Well --

HIGBY: I don't mean, I don't mean in terms of the actual case. I mean, you know, the maneuvering that's going on.

MAGRUDER: Yeah. Yeah. I have.

HIGBY: Really?

MAGRUDER: Sure. Yeah.

HIGBY: Hm.

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MAGRUDER: So you know, there's a lot of that back and forth
Larry, you know, people figuring they had better save
their ass as best they can. I understand that.

HIGBY: Yeah.

MAGRUDER: You know, that lie detector thing isn't going to
[unintelligible]

HIGBY: Yeah.

MAGRUDER: That's a trick of the trade, that's all.

HIGBY: Yeah.

MAGRUDER: I could pass the lie detector test.

HIGBY: Yeah.

MAGRUDER: [Sighs] So, so there's a lot of that stuff going on.
But that's life. That isn't important anymore. It
really isn't. Along about three weeks ago I realized
after [laughs] McCord that that wasn't the important
point anymore. It isn't important for Bob anyway, by
the way.

HIGBY: Yeah.

MAGRUDER: Larry, even, you know, it doesn't matter what X says
anymore. The facts will sooner or later come out.

HIGBY: Yeah.

MAGRUDER: And when they come out, uh, hopefully, nobody of any substance will be hurt other than Big John.

HIGBY: You -- Do you think Gordon will be hurt?

MAGRUDER: Well, I don't know. It all depends on what he has to say. I don't know. I really don't know.

HIGBY: What do you have to say?

MAGRUDER: Well, what I have to say, but probably what others have to say, too.

HIGBY: Really?

MAGRUDER: Yeah. I mean I don't know. I really don't.

HIGBY: You do think John Dean will definitely be hurt though?

MAGRUDER: Well I don't know if he will be hurt. I would think that, uh, uh -- I mean, we all know he attended those meetings.

HIGBY: Yeah.

MAGRUDER: And, uh, if, if whatever happened in those meetings is discussed, I guess, uh -- and he says he is going to say what happened in those meetings by the way.

HIGBY: Does he?

MAGRUDER: Yeah. If he does, then he puts Mitchell, me, and he all in a spot.

HIGBY: Um hm.

MAGRUDER: Uh --

HIGBY: Okay sir.

MAGRUDER: A rough situation,

HIGBY: Yeah.

MAGRUDER: but I do think Lar, that I would hope you all were thinking more in terms of the big picture now and I wouldn't worry about the press anymore, Lar. It's not going to -- There's going to be lots of stuff floating, and I'd worry about --

HIGBY: Well, we won't worry about the press unless something like that hits tomorrow morning's paper and then we'd have a substantial problem we'd have to worry about.

MAGRUDER: No you wouldn't because there's nothing to it. There wouldn't be anything to it, Lar. My point is that --

HIGBY: Well it would be if it was attributed to you.

MAGRUDER: Well, shit nobody -- that just isn't going to happen.

HIGBY: Yeah.

MAGRUDER: You see.

HIGBY: Well obviously, if you were sitting here, and y--, somebody had given you that, uh, like Ehrlichman, you'd say, "Good Lord!"

MAGRUDER: You can guarantee Bob that

HIGBY: "I've got to find what the --"

MAGRUDER: there is no way, under any circumstances because it never happened. No matter what I ever have to say, a week from now, or two weeks, that his name will come into the situation at all. In any way, shape or form.

HIGBY: Huh.

MAGRUDER: Okay? Now it isn't true with Gordon and I told you that.

HIGBY: That's right.

MAGRUDER: And that's the way --

HIGBY: All you can do is tell the truth.

MAGRUDER: All I can do is tell the truth -- if I do that. I may not even do that. So he may not have any problems from me anyway.

HIGBY: Okay.

MAGRUDER: I don't think -- Look, they're not interested in Gordon, by the way.

HIGBY: Yeah.

MAGRUDER: They're not interested in those guys anymore. They're finished with those guys.

HIGBY: Yeah.

MAGRUDER: They've got, they've got every one of our secretaries on perjury wraps. They are not going to do a damn thing to them. They don't care about those people anymore.

HIGBY: Really?

MAGRUDER: They don't care anything about the aides. They don't care about Bob Reisner, Gordon Strachan, Bart Porter -- anymore. They want big fish.

HIGBY: You and Mitchell?

MAGRUDER: And they're going to get you and -- me and Mitchell.

HIGBY: Really?

MAGRUDER: Oh sure they are. I mean no question, they're going to get me. It's just a question of how long.

HIGBY: Okay.

MAGRUDER: You visit me kiddo?

HIGBY: Huh! I'll do more than that.

MAGRUDER: All right.

HIGBY: Don't need to worry.

MAGRUDER: Yeah. Okay.

HIGBY: See you later.

MAGRUDER: All right.

HIGBY: Bye.

Appendix 14. Meeting: The President, Haldeman and Ehrlichman,
EOB Office, April 14, 1973. (8:55 - 11:31 a.m.)

(Material unrelated to Presidential actions deleted)

P Did you reach any conclusions as to where we are.

E No conclusions. Dick Wilson, I ~~think~~, has an interesting column this morning (unintelligible) It's all a money problem. Unintelligible Well, yes --

P Wilson's in the Star.

E (Unintelligible)

P So what--?

H (Unintelligible) is really the essence of this whole thing is too much money. Too much was spent. And so I --

P Yeah. My point, everybody--

H No not everybody. Let's say, one group, pieces that (unintelligible) has on that side and more like (unintelligible) says that his, you know, solving Watergate doesn't take care of it.

P Lots of people, I think want the President to speak out on the whole general issue of money and campaign and all that.

E Generally, but he gets specific on this. He says also (unintelligible)

P Is that what you think, go out and make a speech?

- 7 -

E Magruder may have talked to some of the press and that that was (unintelligible)

P But in a great detail, Colson (unintelligible) that he nailed Bob Haldeman. The way Colson said, he said he had Colson and two, but not any way that's particularly bad. Right?

E Well I think, I think like on so many things this got, this got planted as a little seed by Shapiro with Colson and that it grew and apparently

P Uh, uh.

H I would guess what's happened is he's got this report from, Colson does, from Danny Hofgren that at the bar in the Bahamas with (unintelligible), someone (unintelligible) one night said to Hofgren everybody was involved in this. He didn't --

E Everybody knew about it?

H Mitchell, Haldeman, Colson, Dean, the President

P Magruder --

E He said, he specifically said the President.

P Magruder does believe that, does he?

H No. I've got it --

P I just wonder if he believes (unintelligible). Does he believe it, John?

- 8 -

E No. He tape recorded this thing. Higby handled it so well
that Magruder has closed all his doors now with this tape.

P What good will that do John?

E Sir, it beats the socks off him if he ever gets off the reservation.

P Can you use the tape?

E Well no. You can use Higby.

P Why not --

E Well, it's illegal.

H No, it's not. It is not.

P Don't you have to tell somebody --

E Put a beeper

H There is no beeper required. Check the Washington law.

P Yeah.

H District of Columbia is under federal law and the federal law
does not require disclosure to the other party of the recording
of phone conversations. The phone call was made to Magruder's
lawyer's office which is also in the District of Columbia so both
ends of the conversation were in the District of Columbia and
there is no law requiring disclosure.

E (Unintelligible)

- 9 -

P Well, anyway --

H It cannot be admissible, but its' legal.

P That's interesting. That's a new one. (Unintelligible) now
and then, any way. I never heard anybody beep and I know that --

H No. It all depends on where you are. The basic law in most
states is that you must disclose to the other party that you're
recording the conversation.

P Yeah. What is the situation -- I'll get past this in a hurry. What
is the situation, John, in your opinion on what was Colson's
and/or Shapiro's motive in building up the Magruder story?
Maybe they believe it?

E Their innuendo is that Mitchell has put Magruder up to this.

P I guess not. OK. There is the motive. Now, let me come to
something else.

H I don't believe that Magruder's --

P I don't either. Not at all.

H I believe Mitchell has tried to.

P Huh?

H I believe Mitchell tried to. To keep Magruder's faith because
he refers to Mitchell and says now that I have decided to talk I
am going to have to tell Mr. Mitchell and he's going to be very
unhappy with me because he's told me not to.

36. On April 14, 1973 the President met with Ehrlichman from 8:55 to 11:31 a.m. and with Haldeman from 9:00 to 11:30 a.m. At this meeting the President instructed Ehrlichman to meet with Mitchell. The President was advised that the grand jury was focusing on the Watergate aftermath. There was a discussion of payments to the Watergate defendants and of the transfer of \$350,000 from Strachan to LaRue to be used for payments to the defendants.

In response to the Judiciary Committee's subpoena for the tape recording and other evidence of this conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

	Page
36.1 President Nixon daily diary, April 14, 1973, Exhibit 19, <u>In re Grand Jury</u> , Misc. 47-73	662
36.2 House Judiciary Committee staff summary of White House edited transcript of a meeting among the President, H. R. Haldeman and John Ehrlichman, April 14, 1973, 8:55 - 11:31 a.m.....	665

36.1 PRESIDENT NIXON DAILY DIARY, APRIL 14, 1973, EXHIBIT 19,
IN RE GRAND JURY, MISC. 47-73

THE WHITE HOUSE		PRESIDENT RICHARD NIXON'S DAILY DIARY (To Be Filled In Record for Travel Activity)		
PLACE DAY BEGAN		DATE (Mo., Day, Yr.) APRIL 14, 1973		
THE WHITE HOUSE WASHINGTON, D.C.		TIME DAY 7:55 a.m. SATURDAY		
TIME		PHONE P=Placed R=Received		
In	Out	In	LD	
7:55	8:02			The President motored from the South Grounds of the White House to the office of his dentist, Dr. William O. Chase, 1302 18th St., N.W.
8:02	8:35			The President met with Dr. Chase.
8:35	8:42			The President motored from Dr. Chase's office to the South Grounds of the White House.
8:44				The President went to his office in the EOB.
8:47	8:49	P		The President talked with his Special Assistant, Stephen B. Bull.
8:54	8:56	P		The President talked with Secretary of Defense Elliott L. Richardson.
8:55	11:31			The President met with: John D. Ehrlichman, Assistant
9:00	11:30			H. R. Haldeman, Assistant
10:49	10:50	P		The President talked with Mr. Bull.
11:32	12:30			The President met with: Henry A. Kissinger, Assistant
11:32	12:02			Gen. Alexander M. Haig, Jr., Army Vice Chief of Staff
11:33	11:34	P		The President talked with Mr. Bull.
12:53	12:54	P		The President talked with Mr. Bull.
1:52				The President went to the Oval Office.
1:55	2:13			The President met with Mr. Haldeman.
2:13				The President went to the South Grounds of the White House.
				The President greeted tourists being escorted by the First Lady on a tour of the White House gardens. Included in the group were Mayor Walter E. Washington (D-Washington, D.C.) and winners of a poster contest sponsored by the Society for a More Beautiful National Capital, Inc. For a list of poster contest winners, see <u>APPENDIX "A."</u>
				Members of the press, in/out
				White House photographer, in/out
2:23				The President, accompanied by his Press Secretary, Ronald L. Ziegler, returned to the Oval Office.

WHITE HOUSE

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

PLACE DAY BEGAN				DATE (Mo., Day, Yr.)	
THE WHITE HOUSE WASHINGTON, D.C.				APRIL 14, 1973	
TIME				TIME	DAY
In	Out	Lo	LD	2:23 p.m.	SATURDAY
2:23	2:24			The President met with Mr. Ziegler.	
2:24	3:55			The President met with: Mr. Haldeman Mr. Ehrlichman	
3:55				The President went to his office in the EOB.	
4:58	4:59	P		The President talked with the First Lady.	
5:15	6:45			The President met with: Mr. Haldeman Mr. Ehrlichman	
5:41			R	The President was telephoned long distance by Senator Robert Dole (R-Kansas) in Salina, Kansas. Mr. Bull took the call.	
5:45		R		The President was telephoned by his daughter, Julie. The call was not completed.	
6:08	6:09	R		The President talked with his daughter, Julie.	
8:11				The President returned to the second floor Residence.	
8:58	9:04			The President and the First Lady motored from the White House to the Washington Hilton Hotel.	
				The President and the First Lady were greeted by: Edgar A. Poe, correspondent for the <u>New Orleans Times-Picayune</u> and outgoing President of the White House Correspondents' Association Ted Knap, correspondent for Scripps-Howard Newspaper Alliance and incoming President of the White House Correspondents' Association	
				The Presidential party went to the head table in the International Ballroom.	
				The President and the First Lady were guests of honor at a dinner hosted by the White House Correspondents' Association. Mr. Knap presented the President with a sterling silver replica of an 18th century globe crafted by Williamsburg silversmiths. For a list of other head table guests, see <u>APPENDIX "B."</u> Members of the press, in/out White House photographer, in/out	

WHITE HOUSE

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

PLACE DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 14, 1973

TIME DAY

9:04 p.m. SATURDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE Placed Received		ACTIVITY
In	Out	In	Out	
				The President returned to his limousine. He was accompanied by: The First Lady Mr. Poe Mr. Knapp
10:20	10:26			The President and the First Lady motored from the Washington Hilton Hotel to the South Grounds of the White House.
10:28				The President and the First Lady returned to the second floor Residence.
11:02	11:16	P		The President talked with Mr. Haldeman.
11:20		P		The President telephoned Mr. Kissinger. The call was not completed.
11:22	11:53	P		The President talked with Mr. Ehrlichman.
				For a record of the President's activities after midnight, see the Daily Diary for April 15, 1973.
				CD/SM/JD

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

April 14, 1973, 8:55 a.m. to 11:31 a.m.

The President, Haldeman and Ehrlichman met on April 14, 1973 in the EOB office from 8:55 to 11:31 a.m. The transcript of the meeting opens with the notation "Material unrelated to Presidential actions deleted." Thereafter, in response to a question by the President whether he had reached any conclusions "as to where we are," Ehrlichman said no. (p. 1) The President asked "what your conversation with Colson was and in essence, what did he and the lawyer tell you about?" Ehrlichman replied that Colson told him that Hunt was going to testify on Monday afternoon according to information obtained through Bittman or through Shapiro through Bittman.

The President asked, "Now why is Hunt testifying?" and Ehrlichman said, "I'll tell you what he said and then I'll tell you what I think the fact is." Ehrlichman said, "He said Hunt is testifying because there was no longer any point in being silent", because "so many other people were testifying. . . ." Ehrlichman said, "My feeling is that Bittman got very antsy." The President asked, "Why," and Ehrlichman said, "This grand jury started focusing on the aftermath and he might be involved." Haldeman said, "Exactly." (pp. 2-3)

The President said, "What do Colson et al, Colson and Shapiro, think we ought to do under these circumstances? Get busy and nail Mitchell in a hurry?" Ehrlichman said, "Yes." The President asked, "How is that going to help," and Ehrlichman said, "Well, they feel that after he testifies that the whole thing is going to fall in short order." The President

said, "Right." Ehrlichman said that Mitchell and Magruder would be indicted and both will say the President lost any possibility of initiative for participation in the process. (p. 3)

Ehrlichman said Colson wants the President to "persuade Liddy to talk." (p. 3) The President said "Me?", and Ehrlichman suggested the President should send word to Liddy "through a spokesman or in some way you would be activist on this score."

Haldeman said, "that doesn't involve any real problem" because "As Dean points out, he [Liddy] is not talking 'cause he thinks he supposed not to talk" but "If he is supposed to talk, he will." "All he needs is a signal," Haldeman said, "if you want to turn Liddy on." (p. 4) Ehrlichman explained that Colson "wants you to be able to say afterward that you cracked the case." (p. 4) and that the "next forty-eight hours are the last chance for the White House to get out in front of this and that once Hunt goes on, that's the ball game." (pp. 4-5)

The President asked, "But you've got to be out in front earlier," and "I mean go public." Ehrlichman said, "Either publicly, or with provable, identifiable steps which can be referred to later as having been the proximate cause." The President asked whether Liddy was "not talking because he thinks the President doesn't want him to talk? Is that the point?" Ehrlichman replied that according to Colson and Shapiro, "Mitchell's given him a promise of a pardon." The President said, "I don't know where they get that. Mitchell has promised Liddy a pardon?" Ehrlichman said, "Yes."

The President said he had an uneasy feeling that the Magruder story may have been planted. Discussion followed about whether Magruder was telling the truth and whether Colson was a liar. (pp. 4-6) Haldeman said, "I would guess what's happened is he's got this report from, Colson does, from Danny Hofgren that at the bar in the Bahamas with (unintelligible), someone (unintelligible) one night said to Hofgren everybody was involved in this." Ehrlichman asked, "Everybody knew about it?" and Haldeman said, "Mitchell, Haldeman, Colson, Dean, the President." Ehrlichman then said, "[he] said, he specifically said the President" and the President asked, "Magruder does believe that, does he?" and "I just wonder if he believes (unintelligible). Does he believe it, John?" (p. 7)

Ehrlichman said, "No," that a conversation with Magruder was taped, that "Higby handled it so well that Magruder has closed all his doors now with this tape." The President asked, "What good will that do John" and Ehrlichman responded, "Sir, it beats the socks off him if he ever gets off the reservation." The President asked if the tape can be used, and Ehrlichman and Haldeman expressed different opinions about the legality of recording a telephone conversation without a beeper. Haldeman said that no law required such disclosure of recording in the District of Columbia. (pp. 8-9)

The President asked "What was Colson's and/or Shapiro's motive in building up the Magruder story? Maybe they believe it?" Ehrlichman replied, "Their innuendo is that Mitchell has put Magruder up to this." Haldeman said he believed Mitchell tried to keep Magruder's faith because Magruder refers to Mitchell and says "now that I have

decided to talk I am going to have to tell Mr. Mitchell and he's going to be very unhappy with me because he's told me not to." (p. 9)

Ehrlichman said Magruder is an emotional fellow "ready to crack" and he had "no doubt that he's ready to talk." The President said that if you were his lawyer "w]ouldn't you advise him to go in and try and purge himself" because "[a]t least gets rid of one charge." Ehrlichman was not sure it would get rid of it "but it certainly reduces it when he comes in voluntarily." (p. 10) Haldeman said he wanted to talk to Magruder, and the President said, "Turn Bob on him."

The President then asked "what is Hunt going to say," and "will he say that Colson promised him clemency?" Ehrlichman thought not. (p. 11)

The President said, "You see the only possible involvement of the President ... is that, now apparently John, either you or Bob or Dean, somebody told me they said, told Colson not to discuss it with me." (p. 11)

Ehrlichman said he did. The President said that one evening Colson "dropped it in sort of parenthetically," and said he "had a little problem today. . . about Hunt." The President said that he had sought to reassure him and that Colson had told him about Hunt's wife. The President said, "I said it was a terrible thing and I said obviously we will do just, we will take that into consideration. That was the total of the conversation." (p. 12) Ehrlichman said, "Well, I had . . . a couple of conversations in my office," with Colson, explaining that Hunt wrote Colson "a very, I think a I've been abandoned kind of letter" after the election, and Colson came to tell Ehrlichman about it and asked him, "What shall I do?" (pp. 12-14) Ehrlichman said, "And I said,

'Well, better talk to him.' I thought somebody had better talk to him, the guy is obviously very distraught. . . . And has a feeling abandoned." The President said, "Right." (p. 14) Ehrlichman said Colson said, "What can I tell him [Hunt] about clemency or pardon." And Ehrlichman said he told Colson "You can't tell him anything about clemency or pardon. And I said, 'Under no circumstances should this ever be raised with the President.'" The President said, "(Unintelligible). Well, he raised it, I must say, in a tangential way. Now he denies that, as I understand it, that he said they'd be out by Christmas." Ehrlichman said, "I've never talked to Chuck about that, have you," and the President said that Dean or somebody had told him that Colson didn't, that he "just talked or saw Bittman casually -- were off on (unintelligible) or something of that sort." (p. 14) The President said that Colson said [apparently to Bittman], "I, I had given, . . . I know about Hunt's concern about clemency," and "I, Chuck Colson feel terrible about it, 'cause I knew his wife." The President continued to relate what Colson apparently said to Bittman: "I will go to bat for him and I have reason to believe that my views would be listened to." Ehrlichman said Colson says he "talked with Bittman, that he was very skillful in avoiding any commitment," and that Colson says that Bittman "was pitching him, but that he wasn't catching 'em" and that Colson "might have a tape of that meeting or a tape of the conversation. . . ." Haldeman said Colson said Ehrlichman and Dean told him to promise clemency, but that he was smarter and did not. (p. 15)

The President again asked whether Colson indicated "that Hunt's going to talk to that subject . . . [t]he promise of clemency?" (p. 16)

Ehrlichman said that he did not ask Colson that and Colson did not say that. Haldeman said, "Well we've got to go on the basis, John," and "we don't know how they know what Hunt's going to testify." Haldeman said their only basis for knowing what Hunt is going to testify to was Shapiro's meeting with Hunt the other day, and that is assuming Hunt would tell Shapiro what his testimony would be. Haldeman said they had no reason to assume that Ehrlichman said Shapiro said Hunt would corroborate a lot of McCord's hearsay. The President said, "Hunt could testify on Colson's (unintelligible)." (p. 16)

The President said, "We're talking about when he [Hunt] and Liddy are in the office with Colson" and Colson called Magruder. The President said that "Colson says that they didn't discuss the (unintelligible) then," but that Hunt could say he went in and showed this whole thing to Colson and Colson picked up the phone and talked to Magruder. The President asked, "Does Colson realize his vulnerability there?" (p. 17)

Ehrlichman said Colson claimed he had no vulnerability because he talked in very general terms with Hunt and Liddy, and the President said he understood that but was simply saying that Hunt and Liddy could assert that -- that's the point. Ehrlichman said he asked Colson specifically about that conversation "and he maintains that they were talking in general terms about intelligence and when they said intelligence he meant one thing and apparently they meant another." (p. 18)

The President said, "Question, for example, is Hunt prepared to talk on other activities that he engaged in?" Ehrlichman said he "couldn't

derive that." The President said, "You mean is he going to blow the White House on the --," and Ehrlichman said, "I couldn't get that at all." The President said he assumed the U. S. Attorney would not be pressing on "that." Ehrlichman said McCord volunteered this Hank Greenspun thing. The President asked if that was a serious thing, "Did they really try to get into Hank Greenspun." Ehrlichman said, "I guess they actually got in," to which the President responded, "What in the name of (expletive deleted) though, has Hank Greenspun got with anything to do with Mitchell or anybody else?" Ehrlichman said, "Nothing. Well, now, Mithcell [sic]. Here's -- Hughes. And these two fellows, Colson and Shapiro, Colson threw that out."

The President said, "Hughes on whom," and Ehrlichman said the Hughes thing is cut into two factions, which were fighting. The President said, "Yeah," to which Ehrlichman said Senator Bennett's son for whom Hunt worked represents one of those factions. The President said, "So he ordered the bugging?" and Ehrlichman said, "I don't know. I know the (unintelligible) say it's a bag job." (pp. 18-19) Haldeman said, "They busted his safe to get something out of it. Wasn't that it?" Ehrlichman said, "No. They flew out, broke his safe, got something out (unintelligible)," and "[n]ow as they sat there in my office --." (p. 19) The President said, "Other delicate things, too. You've got apart from my from my poor brother, which unfortunately or fortunately was a long time ago but, more recently, you've got Hubert Humphrey's son works for him and, of course, they're tied in with O'Brien I suppose. But maybe they were trying to get it for that reason." (p. 19) Ehrlichman said he didn't know why, but that Shapiro and Colson didn't know anything about it. Ehrlichman said, "They said, one said to the other,

' Say, that may have something to do with the New York Grand Jury,' meaning the Vesco Grand Jury which is a runaway and which is into --." The President asked if Colson knew about that. Ehrlichman did not know and said that Colson says he does not even know who Hank Greenspun is. To this the President said, "(Unintelligible)", and Ehrlichman said he would take him [Colson] at face value on that one. The President asked, "You didn't know that either?" and Ehrlichman responded, "I know very well who he is." (p. 20)

The President then said, "Let me just take a minute further and run out the Hunt thing, and then the Grand Jury, I want to get all the pieces if [sic] my mind if I can." (p. 20) The President said, "Hunt's testimony on pay-off, of course, would be very important," and asked, "Is he prepared to testify on that?" Ehrlichman said apparently so and that Hunt will implicate O'Brien and Parkinson by hanging them up on obstruction of justice. The President asked, "Can Hunt do that," and Haldeman said, "why doesn't he accomplish his purpose simply by saying they gave them money to handle their legal fees?" (p. 21) The President said, "Hunt then is going to go" and that "raises the problem on Hunt with regard to Kalmbach," who "has possible vulnerability as to whether he was aware, in other words, the motive, the motive, --." (p. 22) Ehrlichman described Dean's calls to Kalmbach about raising money and that Kalmbach got some money and sent it back. Haldeman said, "Dean says very flatly that Kalmbach did not know the purpose of the money and has no problem." (p. 22) The President said, "Dean did know the purpose? Hunt testifies -- so basically then Hunt will testify that it was so-called hush

money. Right?" Ehrlichman said he thought so. The President asked, "Where does that serve him, let me ask?" and was told by Ehrlichman it would serve him to have his sentence reduced. Haldeman said "he'd be served the same purpose by not saying it was hush money, by saying it [sic] gave it to these guys I had recruited for this job and I . . . was concerned about their family --." The President said, "That's right, that's what it ought to be and that's got to be the story that. "At this point Haldeman said, "Unintelligible" and the President continued with, "Will be the defense of these people, right?" (pp. 23-24)

Haldeman said, "That was the line they used around here. That we've got to have money for their legal fees and family," and the President said, "Support. Well, I heard something about that at a much later time. . . . And, frankly, not knowing much about obstruction of justice, I thought it was perfectly proper." (p. 24) After some discussion comparing the payments to fund raising for the Berrigan brothers and the Scottsboro people, the President said, "Nevertheless, that Hunt then saying there was a payoff," and "Hunt, on other activities -- Hunt then according to Colson was not -- I don't know what Colson meant about the door of the Oval Office." Ehrlichman said he hadn't wanted to get into that with Colson because Shapiro was there and "I'll have to get back on that." (p. 25) The President said, "Right."

The President said, "[I]t is Colson's view that Magruder's talking would have the effect of bringing it there because of the -- I think what he is really referring to, John, is that by reason of Colson, by reason of Magruder nailing Haldeman and Colson, that that's the door

of the Oval Office. I don't know what else because there's nobody else around, nobody physically around." (p. 26) Haldeman said, "Magruder isn't going to nail Haldeman and Colson." The President said, "Well, let's see. I don't think so either but." (p. 26)

The conversation then turned to contacting Mitchell to tell him, in Ehrlichman's words "the jig is up." (p. 27) The President said "now is the time to do something." The discussion covered several possible persons who might take the message to Mitchell (pp. 27-29). Ehrlichman then mentioned that he had been working on something when Dean called him at twelve-thirty. The President asked if he was working on "another subject." Ehrlichman said, "Oh, no" and Haldeman said, "There is no other subject!" (pp. 30-31) Ehrlichman then related a scenario suggested by Dean in that telephone call. One scenario involved the President calling Mitchell into his office on Saturday and telling Mitchell "You've got to do this," and Mitchell "stonewalls you," so the President says, "'Well, John [Mitchell], I have no alternative.'" "And with that the President calls the U. S. Attorney and says, 'I, the President of the United States of America and leader of the free world want to go before the Grand Jury on Monday.'" (pp. 31-32) To this the President said, "I won't even comment on that." Haldeman said, "That's a silly --." The President said, "Typical of the thinking of --." Ehrlichman said, "We're running out every line."

Ehrlichman said he thought Mitchell "will understand this thing" and that "if he goes in it redounds to the Administration's advantage." The President asked "How . . ."

Ehrlichman said that when the President got Ehrlichman's report he would be able to call in Mitchell as the "provable wrong-doer" and say, " Now, John, for (expletive deleted) sake go on in there and do what you should. And let's get this thing cleared up and get it off the country's back and move on." (pp. 32-33)

Haldeman then said, "Plus the other side of this is that that's the only way to beat it now." (p. 33) The President said, "Well, --" and Haldeman said that was the only salvation for Mitchell from Mitchell's personal viewpoint, and the President said, "How can he make it, anyway." (p. 33) Haldeman said Connally "made the point that you had to get this laid out and the only way it could hurt you is if it ultimately went to Mitchell. And that that would be the one man you couldn't afford to let get hung on this." The President said, "I think he's wrong about that. I think this is the worst one, well, due to the closeness to the President at the time of the crime. Would you agree, John?" (pp. 33-34) Discussion followed concerning whether different news stories would result depending upon whether the grand jury cracked the case by itself or Mitchell went to the U. S. Attorney at the President's urging. (pp. 35-36)

The latter alternative news story would say, according to Ehrlichman, "Charges of cover-up by the White House were materially dissipated by the diligent efforts of the President and his aides in moving on evidence which came to their hands in the closing days of the previous week." The President said, "I'd buy that." (p. 36)

Ehrlichman said he was concerned because since the end of March, he had "turned up a fair amount of hearsay evidence that points at this (unintelligible)." The President said, "So did Dean." (pp. 36-37) The President said, "Yet he [Dean] tried, very honestly, he tried to look it as the best way he could," and that, "Maybe he could and maybe he really didn't know." Ehrlichman said, "Well, its [sic] hearsay. And, so you don't hang a guy, you don't hang a guy --." The President said, "And, also, we are going to remember Mitchell has denied it." (p. 37) Then Ehrlichman said, "But I sit over there in Bob's office and listen to that tape of one of the co-actors saying flat out on the tape that he was guilty and that Mitchell was (unintelligible) going to force our fall, and --." The President said, "Did he say that? Did he say that?" Ehrlichman said, "Yeah," and that "I said to myself, 'My god. You know, I'm a United States citizen. I'm standing here listening to this, what is my duty?'" To which the President responded, "Well the point is you've now told me. That's the problem." Ehrlichman said, "That's correct. That's correct." The President said, "See the difference is that the problem of my position up to this time has been quite frankly, nobody ever told me a damn bit of this, that Mitchell was guilty," and Ehrlichman said, "That's right." Haldeman said, "Well we still don't

know," that he thought "the scenario that was spun out, that Dean spun out on Mitchell is basically the right one," and that he did not think "Mitchell did order the Watergate bugging and I don't think he was specifically aware of the Watergate bugging at the time it was instituted. I honestly don't." (pp. 37-38) Ehrlichman said, "That may be." At this point there is a notation "Material unrelated to Presidential actions deleted." (p. 38)

The transcript resumes with the President saying, "What did he say? What did he tell Moore?" Ehrlichman said, "Well, remember I asked Moore to find out what Mitchell had testified to," and the President said, "Yeah. Moore heard the testimony and said well you're not --," and Ehrlichman said, "He was never asked the right questions." Haldeman said, "He probably didn't to the Grand Jury, either," and Ehrlichman said, "That's right. As far as the quality of the evidence is concerned --," At this point the notation again appears, "Material unrelated to Presidential actions deleted." (p. 38)

The President next said, "All right. I now have evidence that--." Ehrlichman said, "You don't have evidence if I" and the President said, "I'm not convinced he's guilty but I am convinced that he ought to go before a Grand Jury." (p. 38) Ehrlichman said, "What I did last night and this morning was to write out what would in effect be a report to you." The President said, "Right." Ehrlichman said, "Of this (unintelligible) deliver it to you." The President said, "John," followed by the notation "Material unrelated to Presidential actions deleted." Thereafter the President says that, coming around again, Ehrlichman knows

the case, has conducted the investigation, has reported to the President, and has been asked by the President "to go up and lay it on the ground to Mitchell and to tell Mitchell, look, there is only one thing that can save him. I think John's got to hear that kind of talk. . . ."

The President suggested that Rush might be the man to do it, and incidentally was a man to be considered to be brought into the White House to "advise the President on this thing and examine all the White House things, to look at all the FBI files, to look at the Jury report, Dean report, FBI files and give me a report." The President said, "Rush, I trust. Rush is a friend. He is a total White House man, yet he is not tied in to this." In response to Haldeman's query whether events hadn't overtaken that project, the President said no, because if they got Mitchell, "they're going to say now what about Haldeman, what about Chapin, and what about Colson and the rest?" The President said he had to have a report which would say "There are no other higher-up," would "put a cap on it," and would "then face the Segretti crap." (pp. 39-41) Ehrlichman said, "In forcing this out, Dean remains a problem," and read to the President what he had "come to" on that. Ehrlichman read, "'John Dean has not involved himself in this matter as your counsel for several months and properly so. I should not continue to fill in for him, ' meaning me, ' for several reasons, including the impermissable [sic] demands on my time that were involved. You need a full time special counsel to follow these related problems. . . . I do not recommend that Dean take a leave. That is neither in nor out. He has involved himself to the extent described above. Either that requires dismissal, or it does not. And that choice should be made at once. If he is discharged, the U. S. Attorney and the Grand Jury should be (unintelligible).'" (pp. 41-42) Ehrlichman said, "I think you've got to bite the bullet on Dean, one way or the other, pretty quick." And Haldeman said, "All right, but recognize

that that kills him. Dean's reaction, basically he says that that kills him." (pp. 41-42) There is then a notation "Material unrelated to Presidential actions deleted" and the transcript resumes with the remark the President, "Well, let's see what Dean says when you tell him that?" Ehrlichman replied, "He doesn't agree with that." The President said, "I know he doesn't agree, but what does he do?" Ehrlichman replied, "He wants to stay and just disconnect himself from this case." (p. 43)

Returning to the Mitchell problem, the President said, someone who knew the case had to talk to Mitchell and that was "one of two people." The President said, "I can verse myself in it enough to know the thing, but I am not sure that I want to know. . . ." (p. 43)

The President then said to Ehrlichman, "I am not trying to duck it. I just, John -- and, I'll take this one on. The thing, John, is that there's nobody really that can do it except you." A discussion followed about what Ehrlichman should say to Mitchell. Ehrlichman suggested saying, among other things, "We've got to think of this thing from the standpoint of the President and I know you have been right along and that's the reason you've been conducting yourself as you have," to which the President said, "Right." (p. 45) After further suggestions the President said, "And the door of the White House. We're trying to protect it." (p. 46) At one point Haldeman said, "(Unintelligible) one part of the scenario really worries me. You say I listened to Magruder." Ehrlichman responded, "Well, I can't say it quite that way." (p. 48) There was discussion of whether if Mitchell went to the U. S. Attorney, the U. S. Attorney would drop investigation of the cover-up. The President and Ehrlichman feeling the

cover-up investigation would continue anyway, although Ehrlichman said, "They would certainly be diverted." (p. 50)

The discussion turned to what Mitchell would say in response to Ehrlichman's approach. The President thought Mitchell would say, "Oh, damn it. Look John, you know that there are people in the White House who are deeply involved in this and you know that Colson and Haldeman 'pressured' 'This poor boy over here.' I think Mitchell will take the offensive." (p. 52) Haldeman said, "You see, I am not at all sure but what Mitchell may think I am involved. I am sure he probably thinks Colson's involved, because Magruder has said that," and "I would guess that's the line Magruder has used with Mitchell, and you might have to play Magruder's tape recording for him." (p. 52)

The President asked whether Magruder was planning to go see Mitchell. Haldeman said, "Yes, Sir, if he decides to go, if he decides to talk," and that Magruder was "about on the verge" and he assumed Magruder "is either going to talk or he's going to take the Fifth. He's not going to lie." (p. 52) Ehrlichman said, "He says, I know I'm going to be arrested. I know I'm on my way to jail. If Mitchell comes back with a line like that, "You're not serving the President, well, that if you made any kind of investigation surely you know people in the White House are involved. . . . We're not protecting the President by hoping this thing is going to go away.'" (pp. 52-53) Ehrlichman said he would tell Mitchell: "The thing is not going to go away, John, and by your sitting up there in New York pretending that it is, is just making it worse. And it's been getting steadily worse, by your sitting up there for the last couple of months.

We're at the point now where we had no choice but to ask you to do this."

(p. 53)

The discussion turned to cooperation with the Ervin Committee, and Ziegler's views that they should stonewall it (pp. 54-57). The President said, "You see the point is, the point is, I believe that cooperation with the Committee might at least indicate no cover-up. That's what I'm trying to do." (p. 57) Ehrlichman said the story will come out, and "We're going to go through a period now where we take some gas," giving the example of a Kilpatrick radio program, "just taking Kleindienst apart something terrible on executive privilege." Ehrlichman said, "Now that was a tactic. Kleindienst took a hard line up there." The President said "Yeah." Ehrlichman said "because if he had softened at all, that would have really hurt our negotiations." (pp. 57-58) There was further discussion of negotiating with the Ervin Committee and the possibility of a court test case if agreement could not be reached with the committee. (pp. 58-60) The President then said, "We don't want a court case --," and Ehrlichman said that a court case would "delay any appearance by any White House people," that they could agree to "abide the outcome of the case," and that "if Mitchell does get indicted, Mitchell's lawyers are going to somehow move to stop the Ervin hearing." (p. 60) Ehrlichman said that was Shapiro's analysis also, that the motion to quash the Ervin hearings would be on the point that they can't get a fair trial. The President asked, "John, is that better than just caving?" Ehrlichman said they had the option of caving at any time. (pp. 61-62) Ehrlichman said it would be better to be forthcoming before Mitchell is indicted, and

that, "You asked me, 'Do I want to cave now?' My feeling about this whole thing is that we ought to be looking at every nook and cranny for every device that there is to be forthcoming." The President said, "Right." Ehrlichman said, "And this is a place where we could do it. My sense of this whole case is that our best defense is that the President always wanted this to happen, and that we weren't being cute about this at all." (p. 62)

The discussion turned to who would get "out in front" on the Segretti matter. The President suggested Chapin, but Haldeman indicated he himself should, saying, "If the Mitchell thing breaks, like on Monday, and if (unintelligible) and that starts breaking and you get into a big bottling up of Watergate," it seemed to him "that's the best possible time, place and atmosphere for my statements to come out debunking Dean." (pp. 63-64) In connection with this there was a discussion whether the Ervin Committee should be asked for early hearings. The President said, "We don't want early hearings, huh?" and Ehrlichman said no, "Number one, I don't want 'em," and also he had a commitment to Ervin and Baker not to discuss the negotiations until they were over. (pp. 66-67)

A discussion followed concerning issuing a statement by Haldeman about his relationship to Segretti, and timing this statement with relation to any plea Mitchell might enter. The President then said, "We don't even know yet what Magruder is going to do" and Ehrlichman said, "Does it really matter? If once you're possessed of this information." The President said, "Yeah, I see," but that "my Gosh. I'm not a mind reader" and that "Mitchell's going to say, 'Well, I don't know whether Jeb, how do you know Jeb's going to do that?'" Ehrlichman said, "I don't.

But it doesn't matter," and he responded "[t]hat's it" when the President said, "they've got other information?" When asked how he knew that, Ehrlichman said, "Well, we've got some sources inside the U. S. Attorney process," apparently indicating he would say that to Mitchell, but would also say "I don't know how good they are, John." Ehrlichman said he would also say to Mitchell, "You undoubtedly do, too" have sources. The President said, "our sources are Shapiro, right?" Ehrlichman said, "Oh, no. Dean and his lawyers have sources in the U. S. Attorney's office." (p. 68) The President said, "Silbert, right." (p. 69)

The President then asked about the other grand juries, including the Vesco case, which Ehrlichman said again was a "runaway Grand Jury." He explained that the grand jury was investigating whether or not Vesco procured an appointment with the Attorney General in consideration of a \$200,000 campaign contribution, and the President said, "Oh, my God. And Harry Sears charges that?" Ehrlichman discussed the details about what happened, including Vesco's question to Stans, "how does a guy get to be a big contributor around here"; Stans' response that "Well, the word big means two hundred thousand dollars"; Vesco's query "cash or check" and Stans' reply "either one." The President asked, "This was after my poor brother was up there?" Ehrlichman said, "I'm not sure. I don't know, before or after," and then went on to describe further conversations between Stans and Vesco resulting in Vesco getting a phone call, "allegedly," from John Mitchell. "[T]hat's enough to indict," Ehrlichman said he was told. The President said, about the appointment Vesco got as a result of the phone call, "My God that's dumb," and "You know what I mean," that he "can imagine all those (unintelligible) in here trying to

get --." (pp. 69-70). Ehrlichman then said, "Now that may not be enough to convict, but it's enough to indict." At this point the transcript says "Material unrelated to Presidential actions deleted." (p. 70)

The transcript resumes with the statement by the President, "We've come full circle on the Mitchell thing. The Mitchell thing must come first." The President said, "We've got to make this move today" and "[i]f it fails, just to get back our position I think you ought to talk to Magruder" and "you tell Magruder, now Jeb, this evidence is coming in you ought to go to the Grand Jury. Purge yourself if you're perjured and tell this whole story." The President said, "Because I think we do have to," and Haldeman agreed. The President said, apparently referring to Ehrlichman's proposed talk with Mitchell, "Say that the evidence is not Jeb," (pp. 70-71) and that "we are not talking to John because Jeb is going to crack or that Dean is going to the Grand Jury." "It's past that point," the President said, "They've got the case made." The President said Mitchell will say, "Well, I think they're bluffing here." Ehrlichman said, apparently saying what he would tell Mitchell, "It isn't a question of bluffing. Nobody's made any representations to us at all. Nobody's tried to bluff us. It just[sic] a question of putting together all the facts and any time someone, if the U. S. Attorney's office goes through the process that I've gone through, he'll have all the facts. And there'll [sic] it'll be. And you don't get it all from any one person. It's some from this one, some from that one." (p. 72)

The President then said, "what is the -- is the liability of Hunt -- I am thinking of the payoff thing."

The President said, that Dean had told him a few weeks ago "about the problem of Hunt's lawyer" needing "sixty thousand or forty thousand dollars or something like that." The President said, "I said I don't know where you can get it. I said, I mean, I frankly felt he might try to get it but I didn't know where." The President said that Dean "left it up with Mitchell and Mitchell said it was taken care of..." The President asked if Dean had talked to Ehrlichman "about that." (pp. 72-73) Ehrlichman responded, "He talked to me about it. I said, John, I wouldn't have the vaguest notion where to get it." The President said, "Yeah." Ehrlichman said he saw Mitchell later in the day, and the President said, "[w]hat happened?" and Ehrlichman said, "And he just said, 'It's taken care of.'" (p. 73) Haldeman said that "Mitchell raised the problem to Dean, and said, 'What have you done about that other problem?' , and Dean said, . . . 'Well, you know, I don't know.' And Mitchell said, 'Oh, I guess that's been taken care of.'" Haldeman said that it was apparently taken care of "through LaRue," who told Dean, "this whole thing is ridiculous now," and "it's all out now and there is nothing we can do about it," and "you know I can't figure out how I got into this, to begin with, but it seems to me all of us have been drawn in here in trying to cover up for John."

The President asked "For Mitchell?" and Haldeman said, "Yeah, which is exactly what's happened." (pp. 73-74) The President said, "LaRue said this?" Haldeman said, "Yes," and the President said, "He's right." Then Haldeman said if LaRue "is called" he "intends to tell the truth..." The President said, "Is he?" Haldeman said, "Yeah," and the President said,

"Well," and Haldeman said, "I don't know." Then the President said, "what instructions? (p. 74) Haldeman said he didn't know. The President said, "but his instructions will be, LaRue, that I was helping to get --." Ehrlichman said, "The way Dean talks LaRue wasn't even thinking about the messages" Haldeman said, "I don't think LaRue cares. I think LaRue figures that the jig is up." (p. 75)

Ehrlichman said he had a bit of incidental intelligence that McCord dropped yesterday with regard to Mardian. "Just a small --." The President said, "(unintelligible) back in Phoenix," and Ehrlichman said, "I heard a cover story which he fed to the New York Times which would lay it all back at the White House. The trouble with that is, sir, (unintelligible) It will only stand so long as Mitchell stands." The President said, "But he could lay it to the White House?" and Ehrlichman said, "But bear in mind Shapiro was giving me this in a whole litany of things that were persuasive (unintelligible)." The President said, "The point on Mardian, well, let me say I don't think that Mardian or LaRue or Mitchell or Magruder or anybody want to hurt the President." (p. 75) Haldeman and Ehrlichman agreed. Ehrlichman asked about Colson, and Haldeman said, "I just think he will do everything he can not to hurt the President," to which the President said, "Yeah. That has got to be true of everybody because it isn't the man, it's the office." (p. 76) Haldeman said, "sure," and the President said, "But also it happens to be true. I wish I knew about the (expletive deleted)," to which Haldeman said, "They will have asked that doesn't apply and they could, I think rationalize to themselves that hurting or getting anybody else could be. . . . Good for the President rather than bad," and that includes "Ehrlichman, Haldeman,

Dean . . . certainly Colson. Colson will be at the top of that -- Colson first, then Haldeman, then Dean, then Ehrlichman." (p. 76)

The President said, "You see I think a Mardian story to the Times will be frankly that Colson put the heat on." (p. 76) Haldeman said he did not think Mardian had any personal desire to "get me," but he knew Mardian hates Colson. The President said, "You see you can make a hell of a circumstantial case on Colson. . . . Colson is closer to this crew of the robbers than anybody else." (p. 77)

There was some discussion of whether Hunt would be given immunity, and the President asked, "How do you handle the problem of clemency, John?" (p. 78) Haldeman said, "Well, you don't handle it at all." That's Colson's, cause that's where it comes from." Ehrlichman said, "That was the line of communication," and the President said, "Colson to Bittman." The President said, "I guess that's the only thing we have on that -- except Mitchell, apparently had said something about clemency to people," and Haldeman said, "To Liddy." The President asked Ehrlichman and Haldeman whether Mitchell "ever discussed clemency" with either of them, and each said no. The President then said "(unintelligible) We were all here the [sic] room," and Haldeman said, "Well, may have said, 'Look we've got to take care of this.'"

The President replied, "But's [sic] he's never said, 'Look you're going to get a pardon from these people when this is over.' Never used any such language around here, has he, John?" Ehrlichman said, "Not to me," and Haldeman said, "I don't think so." The President asked, "With Dean has he?", and Ehrlichman responded, "Well I don't know. That's a question I can't answer." The President said, "Well, but Dean's never raised it. In fact, Dean told me when he talked about Hunt. I said, 'John, where does it all lead?' I said, what's it going to cost. You can't just continue this way. He said, 'About a million dollars.' (unintelligible) I said, John, that's the point. (unintelligible) Unless I could get them up and say look fellows, it's too bad and I give you executive clemency like tomorrow, what the hell do you think, Dean. I mean, you think, the point is, Hunt and the Cubans are going to sit in jail for four years and they are not being taken care of?" Haldeman then said, "That's the point. Now where are you going to get the money for that?" The President said, "That's the reason this whole thing falls apart. It's that - It's that that astonishes me about Mitchell and the rest," and Ehrlichman said, "Big problem."

(Material unrelated to Presidential actions deleted) (pp. 78-80)

Immediately following the deletion, the President said, "The word never came up, but I said, 'I appreciate what you're doing.' I knew it was for the purpose of helping the poor bastards through the trial, but you can't offer that John. You can't - or could you? I guess you could. Attorneys' fees? Could you go a support program for these people for four years." Ehrlichman said, "I haven't any idea." Reference was made to the Berrigan

brothers being supported in jail, and the President said, "But not to hush up," and Ehrlichman said, "That's right." (pp. 80-81)

The discussion turned again to whether Dean should be fired. The President said he had made up his mind to do it and Ehrlichman responded that he was not sure it was the right decision. Ehrlichman said he had not meant to imply what the decision on Dean should be, only that there was a "go no go" decision that has to be made. He said, "Here's your situation," that the President should "Look again at the big picture," and that "You now are possessed of a body of fact," to which the President replied, "That's right." Ehrlichman said, "And you've got to -- you can't just sit here." The President said, "That's right." Ehrlichman said, "You've got to act on it. You've got to make some decisions and the Dean thing is one of the decisions that you have to make." Ehrlichman then said, "I am still heavily persuaded that we affect the Grand Jury and U. S. Attorney treatment of Dean favorably by keeping him on. . . . And that that's important." The President said, "Why is that? - because they like him?" and Ehrlichman said, "No, no. No, no. Because they can treat him differently as the President's Counsel than as a dismissed person. . . . It's a very heavy psychological factor." (p. 82)

The President said that "Well this will be done because there is another reason too. It isn't like, Dean is not like Mitchell, now, let's face it." Haldeman agreed. The President said, "Dean is not like Mitchell in the sense that Dean only tried to do what he could to pick up the pieces and everybody else around here knew it had to be done." (p. 83) Ehrlichman said, "Certainly." The President said, "Let's face

it. I'm not blaming anybody else --." Ehrlichman said, "No, I understand that. I have great trouble in (unintelligible) in the light of the known involvement that he had in the." The President said, "Aftermath?" Ehrlichman said, "Right, but --." Haldeman said, "But the known involvement he had in that was for what was understood here to be the proper system." The President said, "The question is motive. That's right." Ehrlichman said, "That number one. Number two, there is nothing new about that. As I have developed this thing. . . . There were 8 or 10 people around here who knew about this, knew it was going on. Bob knew, I knew, all kinds of people knew." (p. 83) The President then said, "Well, I knew it. I knew it." Ehrlichman said, "And it was not a question of whether --," and the President said, "I must say though, I didn't know it but I must have assumed it though but you know, fortunately -- I thank you both for arranging it that way and it does show the isolation of the President, and here it's not so bad -- But the first time that I knew that they had to have the money was the time when Dean told me that they needed forty thousand dollars. I had been, frankly, (unintelligible) papers on those little envelopes. I didn't know about the envelopes (unintelligible) and all that stuff." (p. 84) Ehrlichman then said that if Dean was dismissed because he knew the operation was going on, you couldn't stop with him and you would have to "go through a whole place wholesale." (p. 84) The President then said, "Fire the whole staff," and Ehrlichman said, "That's right. It's a question of motive. It's a question of role and I don't think Dean's role in the aftermath, at least from the facts that I know now, achieves a level of wrongdoing that requires that you terminate him." (p. 84)

The President then said, "I think he made a very powerful point to me that of course, you can be pragmatic and say, (unintelligible) cut your losses and get rid of 'em. Give 'em an hors d'oeuvre and maybe they won't come back for the main course. Well, out, John Dean. On the other hand, it is true that others did know." (pp. 84-85)

Further discussion followed about Dean, Ehrlichman and Haldeman pointing out that Dean had been made a focal point in the Gray process, and will become a focal point in the Ervin process, and if dismissed he would still be a focal point with less protection and "less incentive."

Haldeman said, "What Dean did, he did with all conscience in terms that the higher good." The President asked what Dean said about motive, did he say it was "hush-up?" (p. 85) Ehrlichman replied, "No. He says he knew, he had to know that people were trying to bring that result about."

(p. 86) Ehrlichman said, referring to Dean, "And he says, you know, the way I got into this was I was I would go to meetings in campaign headquarters and we'd get through the meeting and Mitchell and LaRue would say to -- Mardian and LaRue would say to Mitchell, 'You've got to do something about this.' And Mitchell's stock answer was, to turn to John Dean and say, 'What are you going to do?' And so John said, 'I got to be kind of a water carrier. I'd come back from those meetings and I'd come in to see Bob,' or me or somebody else, and say, 'Well Mitchell's got this big problem.' And then he'd say, They'd say to me, 'well I don't know what I'll do about it.'" The President asked, "When he came in to see Bob and you what would he say was the problem?" Ehrlichman said, "He'd say, 'These guys, Hunt's getting jittery, and says that he's got to have umpty-ump thousand dollars, and Mitchell's terribly worried about it,' and it was never expressed, but it was certainly understood --." (p. 86)

The President then said, "On the question of motive then, though, I guess in those conversations with you with respect to motive was never discussed." Ehrlichman said, "Never discussed with me in those terms."

(p. 87) The President said, "Right. The motive was to help defendants who were, by golly, who had worked for the campaign committee."

Ehrlichman said, "It never really got that far because, we, at least my conversation with John always was, 'Well, you know that's interesting, but I just don't know what to do for you.'" The President said, "[h]e may have gone further with you, Bob. Did he?" Haldeman said, "No. We referred him to Kalmbach. You aimed it at Kalmbach, I aimed it at Mitchell. I said, 'John, you can't come here and ask for help, we don't have it.' The one thing where it did go further, if you want to argue about it, it was in the sense that the 350, . . . Which was not our money, we did move back over there." (p. 87) The President said, "[f]or this purpose?", and Haldeman said, "(unintelligible). Yeah, yeah." A discussion followed in which Haldeman said Hunt asked for the money, the \$350 thousand, which was transferred from Haldeman to LaRue through Strachan (pp. 87-88), and the problem Haldeman had in getting the CRP to take the money. The President asked what LaRue would say about the money, and asked would he say, "I used it for hush money?" Haldeman said, "I don't know what he'll say. He'll probably say I packaged it up --." The President said, "That help? but [sic] that certainly doesn't help us." Haldeman said, "Doesn't help anybody." The President said, "The other thing he says, well, I just -- I have retained it in a fund for future campaigns," but Haldeman said, "I'm sure he doesn't have it." Ehrlichman

said, "I am not sure, either, but I assume it went right out to pay these people. That's my assumption." The President said, "You know he used it --," and Haldeman said, "Not all of it." (p. 89)

Ehrlichman said that Dean says "we have only two problems that we have to manage in the White House," one being the referral to Kalmbach," but that can be explained. Haldeman said, "I'm running the three fifty into my statement, but the question is whether we want it in." The President said to put it in, and Haldeman said, "that's another bombshell" because it was not known "that I had it." (pp. 89-90)

A few moments later, after some discussion about Mitchell and a call from Dean, the President said, "We did not cover up, though, that's what decides, that's what decides." (p. 92) The President then said that he realized that "Mitchell's case" was "a killer" and that "Dean's case" was "the question!" The President said, "I do not consider him guilty. Now that's all there is to that. Because if he -- if that's the case, then half the staff is guilty." Ehrlichman said, "That's it. He's guilty of really no more except in degree," and the President said, "That's right." Ehrlichman said, "Then a lot of," and the President said, "And frankly then I have been since a week ago, two weeks ago." Ehrlichman said, "Well, you see, that isn't, that kind of knowledge that we had was not action knowledge, like the kind of knowledge that I put together last night. I hadn't known really what had been bothering me this week. . . . But what's been bothering me is", and the President interjected, "That with knowledge, we're still not doing anything." (p. 92) Ehrlichman agreed, and the President said, "That's

exactly right. The law and order. That's the way I am. You know it's a pain for me to do it -- the Mitchell thing is damn painful." (p. 92) Further discussion followed in which the President again asked if Ehrlichman should see Magruder before Mitchell, and urged him to see Magruder first. Ehrlichman said he would tell Magruder that the President does not in any way view it as serving his interests for Magruder to remain silent. Ehrlichman said he would say to Magruder, "If there ever was an impediment to your coming forward by reason of your impression, assumed or otherwise, of what the President wanted you to do I think it's my job to impart to you what is actually the case." (p. 95) The President then

said that Ehrlichman should start with Magruder by saying that, "the President holds great affection for you and for your family," and that "this is a very painful message for me to bring --" The President said, "Also, I would first put that in so that he knows I have personal affection. That's the way the so-called clemency's got to be handled. Do you see John?" (pp. 95-96)

Ehrlichman said, "I understand." Haldeman said, "Do the same thing with Mitchell." (p. 96) There was then a discussion about what Ehrlichman should say to Mitchell, including a statement that "if we're looking at this thing from the standpoint of the President, today is probably the last day that you can take that action, if you're ever going to take it to do the President a bit of good." (p. 100) The President apparently suggested that Mitchell might say Colson and maybe Haldeman are going to get involved, and said, "I'd go further and say, 'The President has said

let the chips fall where they may. He will not furnish cover for anybody.' '

I think you ought to say that." (p. 100) Haldeman said, "He may go, he may get Chuck" and "He may get you." (pp. 100-101) The President said. "We are asking on this thing (unintelligible) Get the White House.

You see on the other hand, he may do something else, Bob. I think he would think the latter."

Haldeman said, "That's the thing we've worried about all along, that some-

body will get (unintelligible) what we do but we can't live by whether we

(unintelligible) the (unintelligible)." (p. 101) The President said,

"(unintelligible)." The President suggested Ehrlichman might wait to

talk to Magruder until after he sees Mitchell, saying, "Suppose you get

stone-walled with Mitchell." Ehrlichman said, "I tell you, it is not

what Mitchell says that matters today. It is the fact that you have acted on information you have today." He said, "Now, let's suppose

Mitchell turns us down cold, and says I'm going to preserve all my rights.

I'm going to fight every inch of turf and so on and so forth. OK. That's

right. But at least you, having accumulated all this knowledge this week,

have tried to get this thing out, so that sometime two months from now, three

months from now, a year from now when there's a panic you can say on

the 14th of April --" (pp. 101-102)

The President said, "No, seriously, as I have told both of you, the boil had to be pricked. . . . We have to prick the boil and take the heat. . . .

I - am I overstating?" Ehrlichman said, "No. I think that's right. The idea is, this will prick the boil. It may not. The history of this thing has to be though that you did not tuck this under the rug yesterday

or today, and hope it would go away." (p. 102) The President said, "Now.

In the scenario. I sort of go out and tell people that I have done this."

(p. 103)

There was further discussion of what to do if Mitchell does not go to the U. S. Attorney and Magruder decides to stay "clammed up," including the possibility of taking the hearsay evidence to Silbert. Ehrlichman said, "I would like a record of my conversations with both Magruder and Mitchell. I think personally that maybe I ought to get my office geared up so that I can do that." The President said, "Well go gear it. No, no. Well, wait a minute. No, I think that's too --." And then said, "I don't want to hear the record . . . don't have me hear the record." (pp. 105-106)

The transcript ends with a notation "Material unrelated to Presidential actions deleted."

37. On the afternoon of April 14, 1973 Dean, Haldeman and Ehrlichman met in Ehrlichman's office. Dean has testified that there was a discussion of whether Haldeman, Ehrlichman, Dean, Mitchell, Colson and others would be indicted.

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37.2 John Dean testimony, 3 SSC 1013-14.....	699
37.3 John Dean list of names, SSC Exhibit No. 34-37, 3 SSC 1312.....	701
37.4 John Dean testimony, SSC Executive Session, June 16, 1973, 146.....	702
37.5 Richard Moore testimony, 5 SSC 1960, 1988-90.....	703

✓ WEDNESDAY, APRIL 11, 1973

9:00 Garment
9:15 Dick Moore's office - Garment, Jim O'Connor
11:00-11:45 President
12:30-1:30 President
1:30 Roger Barth, Lee Henkel (tax simplification slide show)
2:10 Roger Barth
2:15-4:00 President
5:30 Blair House (Senators Ervin and Baker)
7:00 Buffet at Italian Embassy - 1601 Fuller - Black tie
9:00 Film at Kennedy Center - Brother Sun, Sister Moon

✓ THURSDAY, APRIL 12, 1973

9:15 President
10:30 Ziegler
11:00 HRH office
11:45 HRH
1:15 HRH, Strachan
2:30 President
3:30 Alan Greenspan
5:00 Garment's office
5:30 State Dining Room - Congressional reception
6:15 Ziegler's office - Dick Moore et al

✓ FRIDAY, APRIL 13, 1973

9:10 President
11:30 Charles Colson
1:00 President
2:30 Dean
3:00 Ziegler
3:10 President
5:00 Colson, David Shapiro
7:30 Dinner at La Fonda
8:30 "Godspell" - Motion Picture Assn.

✓ SATURDAY, APRIL 14, 1973

8:45-11:30 President
11:50 HRH office
12:15 HRH, Dean
1:15 HRH out
1:20 Dean out
1:30 Ziegler
1:40-2:10 John Mitchell
2:35-3:45 President, HRH
4:00 Jeb Magruder, Jim Sharp, Jim Bierbower
5:00 President

front dealing with the Ervin committee hearings because of this. I might add that Ehrlichman and Haldeman were most cynical about Colson's suggestions and said to me that he was really scrambling to protect himself.

After discussing the Colson plan they told me that Mitchell would be coming down to talk about this entire matter. There was some discussion as to how to smoke Mitchell out. By the week's end it had been decided that the President would meet with Mitchell and ask him about his knowledge and hopefully the President would be able to get Mitchell to come forward. I told them I doubted very seriously if Mitchell would say anything to anyone about this matter. While these discussions were going on, the President called Ehrlichman and they had a brief discussion about the matter. I also recall that at one point in the conversation Ehrlichman said that "He's right here," referring to me.

On Saturday, April 14, I requested my attorney, Mr. Shaffer, to come to my office. I told him that Mitchell was coming down to meet with the President and that there was going to be an effort to smoke him out. I asked him if he had any ideas as Ehrlichman and Haldeman had asked me if I had any ideas. Mr. Shaffer gave me a former prosecutor's answer that what Mitchell needs is a good cross-examination.

I told him I did not think that that was possible by the President because the President was not the cross-examining type. He also made a couple of other suggestions which would have resulted in the President having to appear before the grand jury if he got any admissions from Mr. Mitchell. I passed these suggestions along subsequently to Ehrlichman and Haldeman but they were not viable suggestions.

Mr. Shaffer and I then sat down and began reviewing all the facts that I had related to him. I told him I wanted his opinion based on conversations with the prosecutors and his own knowledge of the criminal law as to who had problems and who could be indicted and who were the targets of the grand jury. Mr. Shaffer and I discussed this for awhile and then I prepared a list of who was likely to be indicted as the investigation proceeded.

I had guests for lunch and it was after lunch that I met with Dick Moore. I had the list in front of me and I thought that I would see what Moore's reaction to it was because I was planning to take it to Ehrlichman and Haldeman later. I showed the list to Dick Moore and told him it had been prepared based on conversations with my attorney and his knowledge of the involvement of various persons.

I told him that I felt that everybody on this list was a potential subject of an indictment. When I showed Moore the list he was quite upset. He said that if indeed that occurred it would be a tremendous tragedy to the country. He was shaken by the list and the seriousness with which I discussed it with him, but I was very serious in my desire to stop the coverup with Ehrlichman and Haldeman so I was appreciative for Moore's reaction. I have submitted a copy of the document I prepared to the committee.

[The document referred to was marked exhibit No. 34-47.*]

Mr. DEAN. Later that afternoon I went to Ehrlichman's office where Ehrlichman and Haldeman were discussing Mitchell's visit. I learned

*See p. 1312.

that Mitchell had met briefly with Ehrlichman but not with the President. Ehrlichman said that Mitchell was not talking which certainly did not surprise me. And I certainly was not surprised that he would not talk with Ehrlichman either. I then pulled the list I had prepared out of my pocket and told them that I had discussed everyone's problem with my lawyers and my lawyers had had conversations with the prosecutors as well and I thought that the following persons would be indicted. I then read them the list. I told them that my attorney had learned from his discussions with the prosecutors that not only was Dean the target of the grand jury but Ehrlichman and Haldeman were also very much targets of the grand jury. Ehrlichman said that he had just talked with Kleindienst a few days earlier about the grand jury and that he had no such report from Kleindienst. I said that my lawyer appears to know more than the Attorney General does because I believe he is probably more informed in that he had had direct conversations with the prosecutors. I did not tell them at that point that I had had private meetings with the prosecutors or that I had told the prosecutors of the extent of involvement of Haldeman and Ehrlichman. When this meeting ended I was quite confident that I had gotten the message through to Ehrlichman and Haldeman that they had a serious problem themselves and I had put them on final notice that I was not playing the coverup game any longer.

It was late that night that I realized that indeed, my message had gotten through. About 1 o'clock on Saturday night or Sunday morning, I received a call from Mr. Shaffer. He said that the prosecutors had called him and that they were going to have to breach the agreement they had made regarding keeping all of my conversations with them private. The prosecutors had reported to Mr. Shaffer that the Attorney General had called Mr. Petersen and them and wanted a full report on everything that was going on before the grand jury and where the grand jury was headed. The meeting with the Attorney General was to occur about 2 a.m., at the Attorney General's home. The prosecutors also reported that the reason they felt they had to breach the agreement was because the Attorney General was being summoned to the President's office the next morning to discuss the entire matter. I told Mr. Shaffer that I had hoped to tell the President personally that I had gone to the prosecutors several weeks ago but that I had understood why this was occurring and obviously there was nothing we could do about it. I told Shaffer that we certainly have gotten the message through to Ehrlichman and Haldeman that they have problems and that the coverup may begin to unravel at last.

On Sunday, April 15, I went to Mr. Shaffer's office for an all-day meeting. I learned during the day that Ehrlichman had been trying to reach me during the better part of the day but I decided not to return his call. When I returned home about 7:30, the White House operator called me again and said that Ehrlichman had been trying to reach me. I then returned his call. He told me that he was going back to the office to do some work that night and would be in about 8 p.m. and would like to meet with me very much. I told him I would meet with him.

I was quite aware of the reason that Ehrlichman wanted to meet with me because I was sure that he had learned from the President what was going on as a result of the President's meeting with Klein-

1312

EXHIBIT No. 34-47

POS	H	MITCHELL	
		MACRUZER	
*		STARRMAN ?	
POST	H		
	E		
✓	*	JUD	
✓		LA ROE	
✓	B	MARDIAN ?	POTENTIAL O/J
✓	*	D'EGAN	\$371 5/10
✓	E	PARKMAN ?	\$1503 5/5
	B	COLSON ?	
	B	BITTMAN ?	
*		KALMAN / Tony (?) / JOURNAL	
		STANS ?	

John Dean testimony, SSC Executive Session, June 16, 1973

Mr. Dean. You know, get him to say what his real culpability was -- I went over to Ehrlichman's office sometime after Mitchell had been there; there was a very general discussion about Mitchell's visit, that Mitchell had said nothing, he really wasn't communicating with Ehrlichman at all.

They also told me that Shapiro had been in, and Colson, to give a game plan that Colson has been involved in with Shapiro, which at that point in time they didn't think much of.

At that point I pulled out of my pocket a yellow sheet of paper, and I said, "My lawyer has analyzed this whole situation very closely, and I think that the following people are involved in potential obstruction of justice problems", and they said their names were on that list; and they said, "Why do you think that", and I said, "Based on conversations my lawyer has had with the Grand Jury prosecutors and that you -- Ehrlichman and Maldeman -- are very much targets of the Grand Jury."

Needless to say, that got their attention very much. They said that they had talked to Kleindienst, and Kleindienst had indicated that there was no problem, everything was moving along fine with the Grand Jury, nothing revealing had come out, and this came as quite a revelation to them.

It was following that meeting that Kleindienst was called late in the evening, and asked to report to the President the next morning with Henry Peterson, about the whole situation.

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what was behind that? Did you try to get details of what that involved?

Mr. MOORE. No.

Mr. LENZNER. This is the first time you had heard about blackmail, was it not, by Mr. Hunt?

Mr. MOORE. Yes.

Mr. LENZNER. Had you heard previous to that meeting that Mr. Hunt, Mr. Liddy, or Mr. Dean had been involved in earlier activities that could be seriously embarrassing to the administration?

Mr. MOORE. Yes.

Mr. LENZNER. When was that for the first time?

Mr. MOORE. I can't quite place it. It was in this growing or accelerating period in mid-March, as Mr. Dean was coming under more and more daily pressure, where he talked to me a bit more than he had been doing. At one point, he said what I testified to about these activities.

Mr. LENZNER. Well, what activities was he talking about?

Mr. MOORE. I don't know.

Mr. LENZNER. You never asked him what specific activities might be embarrassing to the administration?

Mr. MOORE. No.

Mr. LENZNER. When did you first learn of the break-in of Dr. Ellsberg's psychiatrist?

Mr. MOORE. I can't give you that date. I don't know the exact date.

Mr. LENZNER. Was it sometime in March of 1973?

Mr. MOORE. No. It would have been later than that.

Mr. LENZNER. Well, you don't have any recollection of when that date was? That was rather significant information, was it not?

Mr. MOORE. Yes. There is an awful lot of significant information coming out in these days, and as to fixing the date—I can do a little checking on that and see if I can find anything that would remind me of the date.

Mr. LENZNER. Did Mr. Dean tell you who was involved in that break-in whenever you heard about it?

Mr. MOORE. I don't recall that he did.

Mr. LENZNER. Well, at one point, he did, didn't he? Didn't you once review with him a list of people who might be indicted who were employed at the White House.

Mr. MOORE. Yes.

Mr. LENZNER. When was that?

Mr. MOORE. I believe it was either April 13 or April 14, 1973.

Mr. LENZNER. Did he indicate to you that Mr. Ehrlichman might be indicted?

Mr. MOORE. Yes.

Mr. LENZNER. And did he indicate why?

Mr. MOORE. He said he might have trouble over that \$350,000.

Mr. LENZNER. That was Mr. Haldeman, Mr. Moore?

Mr. MOORE. You said Mr. Haldeman.

Mr. LENZNER. No, Mr. Ehrlichman.

Mr. MOORE. I asked, as I recited to you earlier today, when I saw the list, I pointed to Ehrlichman and I said, what has he got to do with Watergate? You know, what is this?

He said, his problem may be with Ellsberg.

some kind of a Presidential arrangement for what would be comparable to a civil arbitration, that everybody who had been named would agree to give testimony in kind of an arbitration proceeding and abide by the—it was more involved than that. I said at least it is original, it sounds—that was the conversation.

Mr. THOMPSON. All right, any other points, any other topics of conversation?

Mr. MOORE. He called me on Sunday night, which would have been March 25, and he said, "Here's another one," or something like that, I can't remember. There is a story coming out of the Los Angeles Times that I knew in advance about, and approved—either knew and/or approved—in advance the Watergate break-in and bugging. he said, now, that is plain libelous. And he said, as I understand the libel law, it's important to get a quick demand for a retraction, and he said, I would like to get it in the same edition that I am putting them on notice.

Mr. THOMPSON. All right, he has testified about that conversation.

Mr. MOORE. Yes.

Mr. THOMPSON. Any other topic of conversation?

Let me explore that a little bit further.

Mr. MOORE. No, I am trying to think now about other conversations while he was at Camp David.

Mr. THOMPSON. I am sure that can be explored later. Let me ask you about two more points, if I may.

Mr. MOORE. Yes.

Mr. THOMPSON. Mr. Dean testified that he showed you a list of people that he thought were probably indictable, people who may be indicted, I believe, on April 14, going back. Could you tell us as best you can remember who the people were he felt would be indicted; in other words, who was on the list and why he thought that any of those individuals would be indicted?

Mr. MOORE. You said would I tell you who was on the list?

Mr. THOMPSON. Yes.

Mr. MOORE. I was wondering if I could see the list.

I can pick them as I remember them.

Mr. THOMPSON. No, sir.

Mr. MOORE. I don't really know—first of all, he didn't—let me start.

Mr. THOMPSON. Who do you know who was on the list?

Mr. MOORE. Well, sir, the list had questionmarks and asterisks on it. I would like to work from that, because I would not like to put a questionmark fellow with an asterisk fellow.

Mr. THOMPSON. We can't give you that. We want to know what you remember about it.

Mr. MOORE. It's part of the record. It's an exhibit. Oh, excuse me. You want my best recollection?

Mr. THOMPSON. Yes.

Mr. MOORE. I thought you wanted to analyze the list. I am sorry.

Mr. THOMPSON. Not at this point. That might be done later.

Mr. MOORE. All right.

Mr. THOMPSON. Who was on the list?

Mr. MOORE. Mr. Mitchell.

Mr. THOMPSON. Who else?

Mr. MOORE. Mr. Dean.

Mr. THOMPSON. Who else?

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Mr. MOORE. Mr. Strachan.

Mr. THOMPSON. Who else?

Mr. MOORE. Mr. Haldeman.

Mr. THOMPSON. Who else?

Mr. MOORE. Mr. Ehrlichman.

Mr. THOMPSON. Who else?

Mr. MOORE. Mr. Colson, but I think with a question mark.

Mr. THOMPSON. Anyone else?

Mr. MOORE. Yes, Mr. Stans.

Mr. THOMPSON. Anyone else?

Mr. MOORE. Mr. O'Brien.

Mr. THOMPSON. Anyone else?

Mr. MOORE. And I think—Mr. Parkinson. I think they both had question marks. And there were some others.

Mr. THOMPSON. All right, just working with that—

Mr. MOORE. Right.

Mr. THOMPSON. Did you ask him why he thought Haldeman might be indicted?

Mr. MOORE. Yes—pardon me. What I asked him was—yes, how do you figure Haldeman? You know, what's that? And I did ask him that.

Mr. THOMPSON. What did he say?

Mr. MOORE. He said, I think he may have some trouble with that \$350,000 which was over here, and I think also, it's a question of how much Strachan told him or gave him in terms of the Watergate.

Mr. THOMPSON. Did he say that he knew what Strachan told him or Dean knew what Strachan had told him?

Mr. MOORE. Once again, in his closing days, he said to me that he was not that, that Strachan may have been aware of him getting information derived from the Watergate, but whether he gave it to Haldeman or not, Mr. Dean didn't say.

Mr. THOMPSON. Any other matters? The \$350,000 and what Strachan might have given him?

Mr. MOORE. That is right.

Mr. THOMPSON. Any other reason?

Mr. MOORE. No.

Mr. THOMPSON. Those are the only two reasons he gave you at that time about what he thought—

Mr. MOORE. Yes, the quick one; that is right.

Mr. THOMPSON. What about any of the rest of them? Did you ask about any of the rest of them specifically?

Mr. MOORE. Yes, I think I asked it this way, because it surprised me. I think I said, Ehrlichman? What's he got to do with Watergate? Or how do you figure Watergate?

And he said, his problem may not be so much Watergate. Words—quotes—I do not know. The effect was that Mr. Ehrlichman's problem might not be so much Watergate as the Ellsberg matter.

Now, I have been trying to remember whether he added the break-in of the doctor's office. I am not certain in my mind enough to say so. But the thing that struck me, the only thing that I recall is that the differentiation between Watergate with Haldeman, and Ellsberg with Ehrlichman.

Mr. THOMPSON. Did you ask him anything about how he compiled the entire list, or a more general question?

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Mr. MOORE. Yes.

Mr. THOMPSON. What did he say?

Mr. MOORE. He said my counsel—and I want to say this carefully because I do not want to reflect wrongly. Let me preface it by saying that I did not know at that time that he and his counsel had been talking to the U.S. attorney. So what he said to me was, my counsel has better sources at the U.S. attorney's office than anybody around here has, and on the basis of what he told him, what he knows, this looks like about the list.

Mr. THOMPSON. All right, Mr. Moore. Let me ask you a final question. It is very important, of course, as to what the President told you and as to what the President told Mr. Dean, and vice versa. And we know about Mr. Dean's relationship with the President, how long he knew him, and so forth. How long have you known President Nixon?

Mr. MOORE. I met him in 1950, but I did not know him well until 1962.

Mr. THOMPSON. 1962?

Mr. MOORE. Yes.

Mr. THOMPSON. When did you get acquainted? During a campaign situation?

Mr. MOORE. Yes. In 1962, I think I was chairman of a little media advisory committee that—

Mr. THOMPSON. Did you ever travel with him?

Mr. MOORE. In the gubernatorial campaign, I do not—I did not travel with him, but I visited with him often in his headquarters or in his law office.

Mr. THOMPSON. Did you have private conversations with him?

Mr. MOORE. Yes.

Mr. THOMPSON. You mean from 1962 to the present date?

Mr. MOORE. Yes. Now, it was actually—I got to know him best, we got well acquainted really in the 1962 campaign. Then while he was out of office, I perhaps saw more of him and on a more intimate basis. So that is when I knew him.

Then, when he went to New York, my contacts with him were slight, and it was not until the summer of 1968, when I got a message from him; would I be willing to travel around, available for the campaign.

Mr. THOMPSON. Thank you, Mr. Moore. I want to apologize for taking up this amount of time.

Senator ERVIN. Senator Inouye.

Senator INOUE. Thank you very much, Mr. Chairman.

Mr. Moore, I am certain that you are aware that your appearance here as a witness, and more specifically as a witness to follow Mr. Mitchell's testimony, was requested by the counsel to the President, Mr. Leonard Garment?

Mr. MOORE. I have no direct knowledge of that. I have heard it, I have read it. Mr. Garment never told me that.

Senator INOUE. Have you discussed this testimony with Mr. Garment?

Mr. MOORE. No, sir. My only discussions—let me say, I was asked by a reporter—

Mr. INOUE. Were you briefed on this discussion?

38. On April 14, 1973, at 1:30 p.m., Haldeman had a telephone conversation with Magruder and taped the conversation. Magruder told Haldeman that he had committed perjury many times; that he had now decided to follow his lawyer's advice and make a full disclosure to the grand jury; that his testimony would put Gordon in a spot; and that he intended to plead guilty.

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38.2 Recording of a telephone conversation between H. R. Haldeman and Jeb Magruder, April 14, 1973, and House Judiciary Committee transcript thereof.....	709

Saturday TELEPHONE MEMORANDUM
H. R. Fildner April 14, 1973

[illegible]

38.2 TRANSCRIPT OF APRIL 14, 1973 CONVERSATION

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY
STAFF FOR THE HOUSE JUDICIARY COMMITTEE OF A
RECORDING OF A TELEPHONE CONVERSATION BETWEEN
JEB MAGRUDER AND H. R. HALDEMAN ON APRIL 14, 1973

MAGRUDER: Uh, said I had to go and I said, you know, I'll do what
you tell me to me to do.

HALDEMAN: Your lawyers?

MAGRUDER: Yeah. My lawyers.

HALDEMAN: What do you mean said you had to go?

MAGRUDER: That I had to make full disclosure.

HALDEMAN: Oh I see.

MAGRUDER: Okay. You know, so I've said I will.

HALDEMAN: I see. Okay. Well, that, that, uh --

MAGRUDER: You know, I'm not, I'm, I mean there's no -- you
know, I'm just, you know, I'm going to plead guilty and
go to jail, that's all. I mean, that's what it's going
to be and I understand that, uh

HALDEMAN: Well,

MAGRUDER: -- agreed to accept it.

HALDEMAN: that -- You got to work out [coughs] work out with them.

38.2 TRANSCRIPT OF APRIL 14, 1973 CONVERSATION

I don't know that -- Well, I shouldn't get into that with you. Uh --

MAGRUDER: Well, it's, it's not a problem now. I don't think, they -- they've talked to Silbert, and, uh --

HALDEMAN: Oh they have?

MAGRUDER: Yeah. They've talked to Silbert, and, uh --

HALDEMAN: How does, how do they go about that -- what happens?

MAGRUDER: Well, you see is that, uh I did not ask for immunity because I didn't think I deserved it. /Laughs/ Uh, All I said is I would tell the story and they said -- you know, I would tell them the truth. You know.

HALDEMAN: I see.

MAGRUDER: So then they decide how many charges they are going to charge me with, and, uh, it'll be better than the hundred and thirty-five years, I guess, that I should be getting normally.

HALDEMAN: What in the world is that for?

MAGRUDER: Oh, about eight counts of perjury,

HALDEMAN: Oh.

MAGRUDER: a couple counts of conspiracy and a

HALDEMAN: I see.

38.2 TRANSCRIPT OF APRIL 14, 1973 CONVERSATION

MAGRUDER: couple of counts of obstruction of justice. /Laughs/

HALDEMAN: What do you do then? Go into the grand jury or just into the attorney or what?

MAGRUDER: Yeah I'll go in -- Yeah, well I'll see, uh -- go through it with Silbert, uh, and then, uh, they'll decide what they will offer me, which will be something, you know. Uh, I mean, it'll be less than the f--, twelve or fourteen counts I'm facing now.

HALDEMAN: I see.

MAGRUDER: I hope anyway. /Laughs/ And then I'll go in and uh, uh tell it to the grand jury and then I'll plead guilty.

HALDEMAN: You don't plead before a grand jury do you?

MAGRUDER: No, I mean, no, no, I mean, you know -- tell it before the grand jury then they send you to the judge.

HALDEMAN: You just tell them -- tell them the facts.

MAGRUDER: Then they bring you up to the judge.

HALDEMAN: Then they bring an indictment or something.

MAGRUDER: They bring an indictment on whatever counts they decide they're going to indict you on and then they

38.2 TRANSCRIPT OF APRIL 14, 1973 CONVERSATION

bring you to the justice, to the judge and, and, uh
[draws breath] you know.

HALDEMAN: Then you got to trial.

MAGRUDER: I go to trial. Down the ro-- no, I won't go --

HALDEMAN: Oh no you don't go to trial, uh, your example'd be to
plead guilty to those counts.

MAGRUDER: I, I -- See, I'm, I'm, I'm pleading guilty.

HALDEMAN: I see.

MAGRUDER: Uh, and uh I think uh, Bob, you know it's important
that everybody know that, because there is no way I can
hold anymore. I've uh got no defense now. They've got, uh,
witnesses on witnesses on witnesses now that, uh --

HALDEMAN: Well that's what becomes increasingly apparent.

MAGRUDER: And I can't, uh, do it for John anymore. It's just, uh --
It's going to come out and it probably should, Bob. I
know, you know, all --

HALDEMAN: Does he know this?

MAGRUDER: I, I want to talk to him but, uh, I wanted to wait till
I had made the firm decision rather than

38.2 TRANSCRIPT OF APRIL 14, 1973 CONVERSATION

HALDEMAN: Yeah.

MAGRUDER: hassling with him about whether I should or shouldn't.
As you know, up until yesterday, he's asked me to hold,

HALDEMAN: Huh.

MAGRUDER: and I can't hold, uh, you know, when I, when you said do
what your lawyers tell you to do and as far as I am concerned that's then what I should do.

HALDEMAN: Right.

MAGRUDER: I mean I've held long enough. Uh, I've, uh, you know,
I am in a terrible position because I committed perjury,
you know, so many times, at the trial, and at the grand jury.

HALDEMAN: No, fortunately, I don't know that.

MAGRUDER: Well, you don't /laughs/, but I did.

HALDEMAN: But, but you know what you know,

MAGRUDER: You know what I -- I mean,

HALDEMAN: and then that's what, I mean that's what --

MAGRUDER: I know what I know and, and, uh I did tell Larry as
you know, Bob, it uh, puts Gordon in a spot, and, you
know, that's -- nothing I can do about that now.

38.2 TRANSCRIPT OF APRIL 14, 1973 CONVERSATION

HALDEMAN: Well.

MAGRUDER: He's the only -- Well, Gordon and John and -- Big John, are going to be in a spot. Uh --

HALDEMAN: Yeah, you just --

MAGRUDER: /Unintelligible/. That's the way it is, has to be I guess.

HALDEMAN: That I should not get into with you, either.

MAGRUDER: No. Okay.

HALDEMAN: I mean its --

MAGRUDER: That's fine, Bob.

HALDEMAN: You've got to --

MAGRUDER: I don't want to get into it --

HALDEMAN: do what's proper.

MAGRUDER: Yeah. I just have to do, what, uh, you know I have to do now. There's no -- It's gone now. I really think, Bob, you should realize that you know, the whole thing is going to go.

HALDEMAN: What do you mean?

MAGRUDER: Well, whatever it is, is going to go. I mean LaRue's going to go, uh -- they're all going to go. I mean, there isn't anybody now that is going to hold. Except Mitchell, I think.

HALDEMAN: Okay.

38.2 TRANSCRIPT OF APRIL 14, 1973 CONVERSATION

HALDEMAN: Okay.

MAGRUDER: And I think --

HALDEMAN: All, all of that I just -- I don't know

MAGRUDER: You don't know that,

HALDEMAN: much about.

MAGRUDER: but I mean, whatever else there is that I don't know
about, I think everybody better be aware of it, 'cause
so we don't continue to have more disasters on disasters.

HALDEMAN: Yeah. Okay.

MAGRUDER: All right.

HALDEMAN: I'll tell John you'll be over at four o'clock.

MAGRUDER: Would you do that?

HALDEMAN: Yeah. Sure.

MAGRUDER: I'm sorry things didn't work out, Bob.

HALDEMAN: Well,

MAGRUDER: You know.

HALDEMAN: we'll talk about that later.

MAGRUDER: Okay.

HALDEMAN: Okay Jeb.

MAGRUDER: Bye bye.

HALDEMAN: Right.

39. On April 14, 1973, at the President's request, Ehrlichman met with Mitchell from 1:40 to 2:10 p.m. Ehrlichman told Mitchell that the President had instructed him to talk to Mitchell and say not to hold back on account of the Presidency. Mitchell said that he was going to stay where he was because he was too far out. Mitchell said that he got euchred into it by not paying attention and that the whole genesis of this thing was at the White House. Mitchell told Ehrlichman that Dean had been caught in the middle like so many others who were trying to keep the lid on until after the election and trying to keep the lid on all the other things that had gone on at the White House. Magruder's pending disclosures to the prosecutors were also discussed. Mitchell told Ehrlichman that some of the White House fund had been used to make payments to the defendants, with Haldeman's approval, prior to the return of the money to Fred LaRue.

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✓ WEDNESDAY, APRIL 11, 1973

9:00 Garment
9:15 Dick Moore's office - Garment, Jim O'Connor
11:00-11:45 President
12:30-1:30 President
1:30 Roger Barth, Lee Henkel (tax simplification slide show)
2:10 Roger Barth
2:15-4:00 President
5:30 Blair House (Senators Ervin and Baker)
7:00 Buffet at Italian Embassy - 1601 Fuller - Black tie
9:00 Film at Kennedy Center - Brother Sun, Sister Moon

✓ THURSDAY, APRIL 12, 1973

9:15 President
10:30 Ziegler
11:00 HRH office
11:45 HRH
1:15 HRH, Strachan
2:30 President
3:30 Alan Greenspan
5:00 Garment's office
5:30 State Dining Room - Congressional reception
6:15 Ziegler's office - Dick Moore et al

✓ FRIDAY, APRIL 13, 1973

9:10 President
11:30 Charles Colson
1:00 President
2:30 Dean
3:00 Ziegler
3:10 President
5:00 Colson, David Shapiro
7:30 Dinner at La Fonda
8:30 "Godspell" - Motion Picture Assn.

✓ SATURDAY, APRIL 14, 1973

8:45-11:30 President
11:50 HRH office
12:15 HRH, Dean
1:15 HRH out
1:20 Dean out
1:30 Ziegler
1:40-2:10 John Mitchell
2:35-3:45 President, HRH
4:00 Jeb Magruder, Jim Sharp, Jim Bierbower
5:00 President

Q Now, did you have any conversations with John Mitchell relative to the pre-June 17 events and the Watergate break-in?

A Yes, I did.

Q Was there more than one?

A No.

Q And when was that conversation?

A That conversation was on the 14th of April of this year.

Q That was a Saturday.

A Yes.

Q And was that in your office?

A Yes.

Q Was there anyone else present?

A No.

Q Will you tell us, please, the contents of that conversation within the guidelines set forth by your counsel?

A I told Mr. Mitchell that the reason for the meeting was, first, to relay to him the same message that I gave Mr. Magruder which was that continued silence was not deemed to be serving the interests of the Presidency but that every individual had to decide for himself whether it was in his own individual interest to come forward or not, that I was talking to a number of people about the facts of the matter in order to

be in a position to give the President as good a picture of what actually took place as possible. He replied that he was not remaining silent out of any personal reticence or feeling that he was serving the interests of the Presidency by doing so, that he had no liability or responsibility for events that took place, that any such liability had necessarily rested on others who were in control of the situation during the time that he was Attorney General, that he felt confident that when all the facts were brought out that he would be vindicated and basically that he had little else to contribute.

Q Did he tell you that he had no knowledge of the pre-June 17th events?

A Not in so many words. He presented me with some rather bald conclusions. He didn't go into the facts with me. He didn't appear to be willing to go into the facts with me beyond stating some general assertions.

Q You made it clear, did you not, that you were speaking to him on behalf of the President in connection with this matter?

A Yes, sir.

Q How long did that conversation last, Mr. Ehrlichman?

A I would think 20 minutes, perhaps.

Q Did he see the President on that occasion?

A No.

Q Did he see Mr. Haldeman on that occasion?

A I don't believe so.

Q Was that conversation recorded?

A I tried to tape it and, again, with extremely indifferent results.

Q Was that tape turned over to the U. S. Attorney's office?

A Yes, it was.

Q Was a copy of it turned over to the Senate Committee?

A I believe so.

Q Who made the copies of these various tapes?

A I think my secretary did.

Q Do you know whether there was ever any professional attempt so far as the tapes that you made were concerned to improve their quality after you had gotten them and found out they were not particularly good?

A Not to my knowledge.

Q You don't know whether the U. S. Attorney's office or the Senate Committee have made those up?

MR. STRICKLER: As of the time they left their hands, no such attempt has been made. What has happened since then, I don't know.

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Mr. THOMPSON. Do you recall that as you remember his statement or have you read his statement? Have you read his statement? I assume that you have——

Mr. MITCHELL. I have read his statement, yes.

Mr. THOMPSON. Do you recall whether or not there are other points, without specifically naming one, if you cannot?

Mr. MITCHELL. Yes, there are. I am not sure I could pinpoint them today, but I can provide you with material, if it is something——

Mr. THOMPSON. If you return tomorrow—as I expect you will—if tonight you could go through his statement——

Mr. MITCHELL. You mean I am going to be invited back tomorrow?

Mr. THOMPSON. Most cordially.

Mr. MITCHELL. Thank you.

Mr. THOMPSON. And refresh your memory on those points. Some of the Senators might want to ask some questions.

Mr. MITCHELL. I will attempt to do so, sir.

Mr. THOMPSON. Let me ask you about one more meeting, the meeting you had with, not with Mr. Dean, but Mr. Ehrlichman on April 13 at the White House.

Mr. MITCHELL. Mr. Ehrlichman?

Mr. THOMPSON. Yes.

Mr. MITCHELL. I believe the meeting was on April 14, if I am not mistaken. It was a Saturday.

Mr. THOMPSON. What was discussed at that meeting?

Mr. MITCHELL. Very little other than the fact that I had known that Mr. Magruder had tried to be the first one into the prosecutor's office and that he had already been there, and that Mr. Ehrlichman had learned that and had talked to Mr. Magruder and Mr. Ehrlichman advised me as to what Mr. Magruder was saying. I said, thank you very much and he said, would you not like to see the President? And I said under the circumstances of what is unfolding here, I think it would be inappropriate for me to see the President. So we left it at that.

Mr. THOMPSON. Was this, in effect, telling you that from Ehrlichman's standpoint, anyway, from what was going on, that you could anticipate problems?

Mr. MITCHELL. That I could?

Mr. THOMPSON. Yes.

Mr. MITCHELL. I do not think it is so much that way as he was recounting to me what Magruder had said, which, of course, did involve me.

Now, as to Mr. Ehrlichman's motive, I am not trying to guesstimate that.

Mr. THOMPSON. We have some evidence before the committee of a taped conversation between Mr. Ehrlichman and Mr. Kleindienst. I wonder if you have any reason to believe that this or any other conversation that you might have had with Mr. Ehrlichman was taped?

Mr. MITCHELL. In reflection, I would think that this conversation probably was taped.

Mr. THOMPSON. Why?

Mr. MITCHELL. For the reason that most of the time that I met in John Ehrlichman's office, why, we sat on a sofa around a coffee table and so forth.

Mr. THOMPSON. This is the one we heard about in the Pat Gray testimony about the documents?

Mr. MITCHELL. Yes; I believe that is the same coffee table and set of chairs. But at this particular time, he invited me over to sit in the chair at his desk and fidgeted around a little bit. So it occurred to me that a switch in the pattern of operation might very well have had something to do with as to where the microphone was.

Mr. THOMPSON. Let me ask you one more question, Mr. Mitchell. Obviously, the only verification, I suppose, direct verification of the fact that you were not the one who pushed Liddy, or to the contrary, the only one who could definitely testify that you did push Liddy, would be Liddy himself. And, of course, he has not favored us with his testimony so far.

I notice here a call in your logs on April 17 with a Mr. Peter Maroulis.

Mr. MITCHELL. Maroulis, yes, sir.

Mr. THOMPSON. I believe he is Mr. Liddy's attorney?

Mr. MITCHELL. That is correct.

Mr. THOMPSON. Could you tell us the nature of that conversation?

Mr. MITCHELL. Yes, sir, that was a return of a call to Mr. Maroulis, who had made a call to me, and Mr. Maroulis, within a day or two, came to see me. He was looking for guidance. What had apparently occurred, according to Mr. Maroulis, and I have not checked this out with the parties to know whether it is true or not, but the President had made his statement by that time, whichever one it was, in which he asked everybody to come forward and disclose what they knew about this matter. I guess that might have been—well, whatever date it was, the President or somebody on his behalf had asked, I believe, Henry Petersen to go to Mr. Liddy's local counsel here in the District—Mr. Kennelly, and Mr. Kennelly carried the message from Petersen to Kennelly to Mr. Maroulis about the fact that the President wanted everybody to come forward.

Well, Mr. Maroulis had spent a lot of time—he is a personal friend of Mr. Liddy. It was his opinion that Mr. Liddy had a valid case on appeal because of the errors made by the court and other matters that were involved, and he wondered if I could give him any guidance as to what the President meant by that particular phrase, which apparently had been quoted verbatim from Petersen to Kennelly to Maroulis.

I told him that I could not add anything to it, that I had not talked to the President about it; I knew what the President's wishes were, but he as a lawyer was going to have to make his own decision as to what his client's interests were.

Mr. THOMPSON. Is that the last conversation you had with him concerning Liddy's position?

Mr. MITCHELL. That is the only conversation I have ever had with the gentleman.

Mr. THOMPSON. Thank you, Mr. Mitchell. I have no further questions.

Senator ERVIN. Senator Talmadge.

Almost surely if John Mitchell is indicted, Kleindienst will resign," and he said, "I think Joe Snead ought to be Acting Attorney General."

Then he said, "The U.S. attorney has assured me that I am not a target, and neither is any other White House person."

Senator GURNEY. Were these notes made at the time of the meeting?

Mr. EHRLICHMAN. Yes, sir, as we talked.

Senator GURNEY. Did he tell you about all his involvement with Kalmbach, raising of money, and these methods of paying it that Ulasewicz told us about?

Mr. EHRLICHMAN. No, sir. That I hadn't heard until this testimony here.

Senator GURNEY. Or the contacts he was having with LaRue at this particular time?

Mr. EHRLICHMAN. No. You will recall he testified about five different ways, about looks of anguish, disbelief, scorn, whatnot, on my face at the time he said I was indictable. In point of fact at the time he said I was not indictable but that the Kalmbach thing might be a problem for me as being misunderstood, I said, "Well, I just don't see how it could, John," and then we discussed just that, the assumptions which I had made that there was nothing improper about it, and so on.

Senator GURNEY. At one of these meetings, and I can't remember which one, it was now because there were several in this time frame, but Dean testified, as I recall, that there was a discussion between you and him, and I think Haldeman, on the fact that the best way to settle Watergate would have Mitchell come forward, I guess that—March 21 counsel tells me. Do you recall anything on that, whether there was a discussion or agreement between you, that that was the best thing to do?

Mr. EHRLICHMAN. There never was such an agreement.

Senator GURNEY. Was there a discussion?

Mr. EHRLICHMAN. Yes. During that meeting and during subsequent meetings between Mr. Haldeman and me and meetings between Haldeman, Dean and me on the two occasions, I think we had them subsequent to that, there was a lot of speculation about John Mitchell and his place in all of this, and of course he was not saying anything to anybody at that point in time, and none of us really had a feel for this. I can recall at one of these meetings Bob Haldeman saying, "I wonder if we are taking all this anguish just to protect John Mitchell." It was a question, it was not an assertion, but I think we all shared at various times that question in our minds as to whether the beating everybody was taking on the subject of Watergate was because he was not coming forward. Now that was one of the reasons that the President asked me to meet with Mr. Mitchell on the afternoon of Saturday, April 14, to say to him for the President that if Mr. Mitchell thought his silence was somehow serving the Presidency that was a misapprehension, that the President didn't want him to sit silent if he knew something unless Mr. Mitchell felt from his own personal point that was an exercise of his own rights, in which case that was up to him. And I delivered that message to him at that time but that was a continuing question all the way through this period of time.

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY
STAFF FOR THE HOUSE JUDICIARY COMMITTEE OF A RE-
CORDING OF A MEETING BETWEEN JOHN D. EHRLICHMAN
AND JOHN MITCHELL ON APRIL 14, 1973

EHRLICHMAN: Come in, sir.

MITCHELL: Yes, sir.

EHRLICHMAN: Sorry to drag you down here this way, but things seem to be moving and I thought you'd better know what we know. Sit down.

MITCHELL: I'd like to know what you know.

EHRLICHMAN: Uh, late last night, uh, I gave the President the results of what I had been working on since about the 25th of March, which is an effort to try and give him as much as I could determine about the extrinsic facts of this whole episode, that is to say outside the White House, which Dean really had not brought in that meeting. He felt he needed to know because he had some judgments he had to make. Uh, he then asked that I talk to you and several other people about something that I discovered in this thing that, that troubled him very much, and that was that some people thought that their silence served his purpose at this

point. Now, obviously you're in a situation of jeopardy, and other people are, too. And, he does not -- I mean this is just very hard uh, uh, for, for him, and that's the reason I am talking to you. And, and, uh, he just didn't want anybody to labor under the misapprehension that there was any overriding consideration in his interest of anybody remaining mute. That, that, uh -- obviously, everybody's got to decide for himself if, if he's got a Fifth Amendment situation or, uh, put them on your approved situation and that's not what I'm talking about. I'm talking about, uh, the, uh, attitude that several have -- John Dean for one, that he is better off not, not testifying than testifying because it was the, the President's interest. The President now feels his interest institutionally, not, not individually necessarily, but the institution of the Presidency is better served by having this thing aired, disposed of, and put, put behind us, so to speak. It's pretty hard to put it behind him, but that is a better route to try and take than one of, of, uh, uh, making it difficult to get at the evidence. Now, uh, I learned in the process of, uh, trying to reach people that -- access routes -- that Jeb Magruder has decided to make a clean breast of things and to take a guilty plea. So that pretty well, uh, starts to work

from the middle in all directions, and apparently he will be seeing the U. S. Attorney to carry this out either over this weekend, or immediately the first of the week. Uh, he, uh -- on the, on the four corners of my investigation, that will pretty well determine the ultimate outcome of things, uh, if he does that, and I -- absolutely everyone's opinion [unintelligible], Uh, in addition, it's coming unstuck in a number of other areas and uh, [unintelligible]

MITCHELL: Well, I'd like to know about it.

EHRlichman: Well, the U. S. Attorney is focusing on the aftermath,

MITCHELL: Uh huh.

EHRlichman: on the obstruction of justice aspect of this, and, uh, apparently has induced Hunt to testify through some arrangement or other. Now, that's not very reliable evidence. [Unintelligible]

MITCHELL: From what I hear, that's probably true.

EHRlichman: But, uh, that seems to be the breaks at this [unintelligible]. Uh, what he would add, I don't know, but apparently that makes it hard for O'Brien and others and, uh, they expect that,

39.5 TRANSCRIPT OF APRIL 14, 1973 MEETING

uh, they will make a very wide-ranging case of the aftermath business.

MITCHELL: On what, uh, what basis?

EHRlichMAN: Obstruction of justice.

MITCHELL: Huh.

EHRlichMAN: Yeah, on a conspiracy.

MITCHELL: In what way did they obstruct justice?

EHRlichMAN: In inducing the defendants to withhold testimony, is their theory for corrupt [unintelligible]

MITCHELL: Is, is that factually true?

EHRlichMAN: I don't, I, I can't say that it is, from anything that I've been able to find I have, I have not been able to find any direct efficient actor who made that assertion. I've got a lot of third-hand hearsay, but I have not in my investigation been able to make that and I so advised the President.

MITCHELL: Uh huh.

EHRlichMAN: Because he -- uh, a, a lot of validation has been made with regard to John Dean, for instance, and I have not been able to, uh, point out to the President any reliable

evidence that John had any corrupt motive or participated in any such obstruction.

MITCHELL: Well, certainly there wasn't any corrupt motive.

EHRlichman: [Unintelligible]

MITCHELL: Poor John is the guy that just got caught in the middle

EHRlichman: Sure.

MITCHELL: of this thing.

EHRlichman: Sure, and that's what I said.

MITCHELL: Like, uh, like so many others that were first of all trying to keep the lid on it until after the election,

EHRlichman: Yeah.

MITCHELL: and, uh, in addition to that, to keep the lid on all the other things that, uh, were going on over here, uh, that

EHRlichman: Well, the, uh,

MITCHELL: would have even been worse, I think than the Watergate business.

EHRlichman: the, uh, uh, question that comes up whether these fellows

would have talked to the press or not. It would, uh --
the election would have been far worse than if they'd talked
to the U. S. Attorney.

MITCHELL: Yeah.

EHRlichman: Yeah. So, I mean, we, we have a lot to talk about on that
thing. But anyway, Silbert is going full bore on that,
and, uh, uh, in, in some ways it's the least of our
worries, but in other ways it, it does involve a, a lot
of other players who were not involved in the, in the break-in
thing.

MITCHELL: Of course it also involves the White House fund.

EHRlichman: That -- Yeah. Yeah. Now, Strachan has been a witness.

MITCHELL: What has he testified to?

EHRlichman: Well, of course I don't know. But, uh, I know they
interrogated him on that question,

MITCHELL: Uh huh.

EHRlichman: so, uh, uh, that's before them. Now, as far as what you
do, obviously you're the, you're the captain of your own
boat on this, but the President wanted you to have me

tell you right now that he is extraordinarily troubled by the situation in which you find yourself, and, and therefore everybody finds themselves. That this, uh, in no way affects his feeling for you in any regard,

MITCHELL: Uh huh.

EHRlichman: but -- in the least degree -- personally very much involved in this thing and,

MITCHELL: Well, I, I can, I can believe that.

EHRlichman: so that's the only reason that I'm delivering the message instead of, instead of him. That's the reason that Bob is not, obviously, and, and, 'cause I was sort of, uh, the one stuck with putting this whole thing together for him. Now, uh, I would suppose that the way things are going in the, in the judicial process, that the Ervin thing will get hung up for a long time because there will be a whole round of new trials and, and different trials.

MITCHELL: Uh huh. You think that will be the case?

EHRlichman: That's

MITCHELL: that they would sit out?

EHRlichman: what, that's what they -- that's not what the Senate is saying,

but that's what knowledgeable attorneys that I've been talking to -- like O'Brien say the thing might, might be the case. He didn't say that to me, but [unintelligible]. So, uh, I don't know what the future of all that is.

MITCHELL: What are you getting out of the Justice Department?
Anything?

EHRlichman: No. I have -- Kleindienst is uh, uh, staying very far away from this thing, as far away as he can get. So, uh, I'm relying primarily on sources within the U. S. Attorney's Office for what little information I do get about who's going to be a witness, and that kind of thing but really, I haven't tried to do too much of that. I'm just uh --

MITCHELL: What are the schedule of the witnesses?

EHRlichman: Hunt is set for Monday.

MITCHELL: Has there been any determination as to when John Dean is likely to go up there?

EHRlichman: He thinks sometime in the middle of the week, something of that kind. He still has not had his informal conference, so uh, there's no uh -- He has not imparted anything to them at all,

at this point. Uh, the, the, uh, attorneys for Dean say to him, and he says to me, that they're almost not interested in him anymore. [Unintelligible]

MITCHELL: In Dean?

EHRlichman: Yeah, because they've got this thing made so many different ways. They're running a surplusage of

MITCHELL: Are you

EHRlichman: evidence.

MITCHELL: talking about the obstruction of justice thing?

EHRlichman: The whole, the whole thing.

MITCHELL: How are they,

EHRlichman: [Unintelligible]

MITCHELL: how are they making that?

EHRlichman: I don't know. I really don't. Uh, but, uh, whether they were playing cute with Dean's attorneys or not, I don't know. But uh, they called and said, "They won't even have our fellow down" and uh, Silbert, or whoever they talked to, said, "Well, you know, uh, in due course, but uh, we

have so many witnesses to handle, why, we don't know what to do with them all."

MITCHELL: Well, they would naturally joke and bargain on that.

EHRlichMAN: Yeah, yeah. And then they've had people like Powell Moore, and uh --

MITCHELL: Well, except uh, Powell's uh, uh testimony at this point was that uh, incident when he and Liddy went out to see Kleindienst, uh --

EHRlichMAN: No. I understand that it also had something to do with shredding: destruction of documents.

MITCHELL: Did they get anything?

EHRlichMAN: But I, I said, you know, that I called Dean and said, "Why do they have Powell Moore, [unintelligible]." So, that's the, that's the message, and it's, uh, uh, almost not worth dragging you all the way down here for, except that it's not the kind of thing that I could say to you very effectively on the telephone. Uh, but the time remaining to do anything which will in any way, uh, put plusses on the side of the Presidency is rapidly running out, obviously.

MITCHELL: What's his first proposed action?

EHRlichman: He hasn't any right to tell you what to do. Uh --

MITCHELL: Oh, I'm not talking about telling me.

EHRlichman: Yeah.

MITCHELL: No, no, no, no. What, what is brother Dick doing about that?

EHRlichman: Well, he, he doesn't have just a lot of options.

MITCHELL: No, I know that.

EHRlichman: Uh, at,

MITCHELL: That's why we just

EHRlichman: at this --

MITCHELL: talked all along.

EHRlichman: Uh, about the only thing that we can do, that we see that can be done is to try and get out the facts with regard to, say, Bob Haldeman, in whatever way remains to be effective. To uh, uh, I've, I've got a problem now and uh, I haven't, I haven't figured out what to do about it. And what I do with all this information. It's mostly hearsay. It's probably not much of it adding to what the U. S. Attorney al --, already knows. But here's the President now possessed of a report, uh, and it argues that some people

are in violation of the law. What in the world does he do? What do I do?

MITCHELL: Well, there's, uh, obviously two things: to take care of his own house in an appropriate way.

EHRlichMAN: Right, right. That's underway.

MITCHELL: That's the one thing,

EHRlichMAN: Yeah.

MITCHELL: and the other thing is, uh, certainly not to, uh, impinge upon anybody's, uh, rights.

EHRlichMAN: Exactly. Exactly. It, it, it occurs to me that, that probably the best thing I could do with it is simply to advise Kleindienst that I have done this, and that it is, none of it, first party evidence and it's all hearsay. But that it is a, it is a report that I put together for the President. It is -- anybody is uh, uh, interested in it at the Justice Department as hearsay or second class evidence, you know, I'll, I'll repeat it for that. But that, uh, uh, it is not the kind of stuff that would be admissible in Court, or that would, uh, add much to what's already happened. But I think we have to say to somebody that we've done this, and that it's, it's praising Dean. That, that it's available. Now what do you think about it? Kleindienst probably hang up on you.

MITCHELL: Uh, well, I go back, John, in looking at the President's interest.

EHRlichMAN: Right.

MITCHELL: What's developed over the period of time. And, uh, you, uh, of course have a separation of powers

EHRlichMAN: Yes.

MITCHELL: until this thing and all the rest of the thing. Uh, you, you also have individual's rights,

EHRlichMAN: Yeah.

MITCHELL: and [unintelligible]

EHRlichMAN: Right.

MITCHELL: So that, and uh --

EHRlichMAN: You don't go rushing out and say, "Hey, look it, this is what we suspect."

MITCHELL: No. Uh, you also have a scenario which has been developed unfortunately around the President with the Dean re--, report, uh, so-called, and so forth. Uh, now John of course becomes a participant in it, uh, as to, uh, uh, when this knowledge was available, and what was it, and why now, because of the pressures are on, and all the rest of it. I think that has to be thought out

EHRlichman: Right.

MITCHELL: very carefully.

EHRlichman: Right.

MITCHELL: Uh, is Chappie Rose coming in as, uh, anything more than a consultant?

EHRlichman: The Pres--, uh, the President hasn't decided yet, -- that's, that's our recommendation.

MITCHELL: Well, I think that that is, uh, probably something of consequence because of John's involvement.

EHRlichman: John Rose?

MITCHELL: No.

EHRlichman: John Dean. Oh, yeah. Well, John Dean is, you know, virtually gone -- out of, out of any active role in the White House thing.

MITCHELL: No, but I mean there has to also be publicly prosecuted,

EHRlichman: I understand. I agree with that.

MITCHELL: so that uh --

EHRlichman: Well, and, and frankly, Chappie's one, one, drawback for Chappie is the fact that he has a son on the White House staff.

MITCHELL: Yeah, but he [unintelligible] good standard.

EHRlichMAN: Yeah.

MITCHELL: [Unintelligible]

EHRlichMAN: Yeah. Well, I don't know. What, what do you think about this business of my calling Kleindienst?

MITCHELL: Uh, I would sort out very carefully as to what you're going to call Kleindienst and tell him about. Uh, I think that, uh, probably it's a -- yeah, you know -- good thing to do in connection with your Chappie Rose move.

EHRlichMAN: Uh huh.

MITCHELL: In other words, uh, if he comes in as an independent and let him get at the bottom of it

EHRlichMAN: Uh huh.

MITCHELL: and then maybe it'd be better if he'd go over and

EHRlichMAN: Uh huh.

MITCHELL: sit down with Kleindienst.

EHRlichMAN: Uh huh.

MITCHELL: And very carefully, uh -- the mere fact that he goes over

and sits down with Kleindienst is going to take care of the PR aspect of it. Uh,

EHRlichMAN: Uh huh.

MITCHELL: What he tells him is not going to be made public anyway, I wouldn't suspect.

EHRlichMAN: I, I think that's right.

MITCHELL: So, that, uh, I think that you might handle him carefully, uh -- parcel this out.

EHRlichMAN: Uh huh. Uh huh.

MITCHELL: Well, let me [clears throat] tell you where I stand. Uh, there is no way that I'm going to do anything except staying where I am because I'm too far, uh, far out. Uh, the fact of the matter is that, uh, I got euchred into this thing, when I say, by not paying attention to what these bastards were doing, and uh, well you know how far back this goes -- this, uh, whole genesis of this thing was over here -- as you're perfectly well aware.

EHRlichMAN: No, I didn't know that.

MITCHELL: Uh, and uh, Gordon -- Well, Gordon Liddy and John Dean -- Well, it, it goes back, I think even further than that but, uh, I've never been able to put the pieces together.

Uh, Bob Haldeman and I were talking about this Sandwedge operation.

EHRlichman: I do -- I remember the name.

MITCHELL: Yeah, and it turned out that, uh, that was to be an entirely different operation, of course, and then it turned out that uh, that we just couldn't get enough [unintelligible] players. Uh, Caulfield couldn't do it and, uh, the conflict with Joe Woods,

EHRlichman: Yeah.

MITCHELL: so, he just dropped the whole thing and turned it off.

EHRlichman: Yeah. All right.

MITCHELL: Uh, the next, uh, order of events for the sequence was when, uh, Dean and Magruder and, uh, Liddy show up in my office with this presentation about a million dollar, uh, intelligence operation, which, we of course laughed at.

EHRlichman: Yeah.

MITCHELL: We threw him the hell out of there. And of course, uh, Jeb blames John Dean on that. One of the problems that, uh --

EHRlichman: Blames him for what? Turning down?

MITCHELL: No, for authorizing Liddy to prepare the

EHRlichman: Oh, oh I see.

MITCHELL: the million dollar [unintelligible]. One of the problems is is to what if Jeb goes

public, good God, he's got a, an imagination which is incredible.

EHRLICHMAN: He's got twenty different stories.

MITCHELL: I know. Uh, well, that was the last time I ever saw Liddy or ever talked to him until what, the 15th of June when Van Shumway dragged him into my office with a letter to the Washington Post about a campaign finance file. So I have had no contact with Liddy; I've never seen Hunt, and, uh, as far as, uh, Jeb and all of the dirty tricks department -- I never knew a God damn thing about it.

EHRLICHMAN: Uh huh.

MITCHELL: So, uh, as far as my having made all these public statements and so forth, I'm just going to go ahead with it.

EHRLICHMAN: Just go ahead and just, just let them come to you in effect.

MITCHELL: Oh, yeah.

EHRLICHMAN: Yeah.

MITCHELL: Yeah, I'm going to have to do that. There is no other course.

EHRlichman: Well, I certainly would not attempt to tell you what to do.

MITCHELL: No. I appreciate that.

EHRlichman: The, the thing that was lurking in the, in the President's mind and that I could not disabuse him of was, "Is -- you think John thinks that he ought to hold back for me?" And I said, "Well, I haven't talked to John, I don't know what's in his mind."

MITCHELL: Hold back from the President?

EHRlichman: Hold back -- no, no, no, no. Hold back from coming forward on account of the President. In other words, if you were to think I shouldn't really -- even say to yourself: "I shouldn't come forward on this because I would hurt the President," or something of that kind. He said: "Well, somebody's got to talk to him and say: 'Don't, don't hold back on account of the Presidency.'"

MITCHELL: Uh huh.

EHRlichman: And, and, that's really the burden of this conversation. I don't have any, I don't have any desire to have you take anything else away from here except that. And y--, and it's his, that's his message.

MITCHELL: Yeah. I know.

EHRlichman: It isn't a question of his saying, "You ought to do this, or do that, or do the other thing."

MITCHELL: Well, what you're saying is that he's leaving the options to me.

EHRlichman: Totally.

MITCHELL: Yeah.

EHRlichman: Totally and completely. And, it has to be that way. He doesn't, [unintelligible] he doesn't want to, uh, uh, ever have you look back on this moment and say that, you know, "They, they had me do this and they shouldn't have."

MITCHELL: [Unintelligible]

EHRlichman: Or that it was right or wrong, or anything of that kind.

MITCHELL: No, I just --

EHRlichman: But, he just didn't want you to be in the frame of mind, sitting in New York saying, "I wish I could come forward, but I can't because the President doesn't want me to."

MITCHELL: Well, from my own reputational point of view
[unintelligible]

EHRlichman: Sure.

MITCHELL: Furthermore, uh, John, and, uh, with all the thought I've
given to this, uh, uh, I really don't have a guilty con-
science. I didn't authorize these bastards

EHRlichman: Okay.

MITCHELL: to go ahead.

EHRlichman: Well, then, then that's what you should do.

MITCHELL: Yeah.

EHRlichman: You know, uh, and, and, really, that's all I have for you
today, except he wanted me to be sure and deliver it in
person, so that you knew how he felt, and that uh, he hopes
that it all turns out all right with him for a lot of rough
weather for the next --

MITCHELL: Oh,

EHRlichman: Few months.

MITCHELL: I'm sure of that.

EHRlichman: And, uh --

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MITCHELL: The, uh whole basis of it is how you cut it off, but there's no way to cut it off.

EHRlichMAN: No, there really isn't.

MITCHELL: No way to cut it off.

EHRlichMAN: They say that they've got you made here.

MITCHELL: You mean, the U. S. Attorney's office?

EHRlichMAN: Yeah. Yeah.

MITCHELL: Did they say how?

EHRlichMAN: No. And this was before anybody knew that Magruder was going to go in.

MITCHELL: I just don't believe it. I just don't believe it.

EHRlichMAN: I know, as I say, I don't have a reliable source,

MITCHELL: Uh huh.

EHRlichMAN: and uh, so, uh, I'm going pretty much on --

MITCHELL: hearsay whether --

EHRlichMAN: Right.

MITCHELL: The possibility of getting a fair trial in the District of Columbia with all this publicity

EHRlichMAN: No way.

MITCHELL: is negligible.

EHRlichman: No way.

MITCHELL: It's not -- I, I realize that. But with all of this, uh, uh, [clears throat] there's uh, certainly no possibility that I would ever turn around and say, "Yes, I was part and parcel of this."

EHRlichman: Sure, sure. Okay. Well, can I get you an airplane to take you back?

MITCHELL: Yeah -- Well, no. I can get a commercial plane if I find a proper seat on it.

EHRlichman: All right. Let me get you [unintelligible]

MITCHELL: Uh, there's one thing, John, that, uh --

EHRlichman: [Picks up phone] Would you work on a seat to New York for Mitchell please.

MITCHELL: American Air Lines.

EHRlichman: On American Air Lines,

MITCHELL: First class.

EHRlichman: first class. Yeah. Oh, uh, see what you can do. [Hangs up.]

MITCHELL: One thing, and that is that I would like to be kept

advised within propriety as to what

EHRlichman: Right.

MITCHELL: the hell is going on down here.

EHRlichman: Right. Uh, for now I think I'd be the one to do that, uh, because I'm kind of a clearing house. Hopefully we'll get somebody like Chappie, and then he would be that person.

MITCHELL: Uh huh.

EHRlichman: Uh, our information is not very damn good, frankly. Uh, we've [unintelligible] an awful lot of stuff after the fact. We have people buffeting us all the time to do this and do that, and do the other thing. And, they feed us a lot of stuff that isn't true. And, uh, so, uh, you have to be awfully cautious about what you, what you buy.

MITCHELL: When they --talking about hearing me made, are they talking about the Watergate

EHRlichman: Yeah.

MITCHELL: or, or, Post,

EHRlichman: Yeah.

MITCHELL: or -- ?

EHRlichman: No, they're talking about the Watergate. And, I'm told that the, the way the story goes -- Well, first, let me say that I think Liddy has been talking to the

U. S. Attorney, and that they get a lot of their information from, uh, a long interview they had with him. Uh, the way the story is supposed to go, Magruder brought you a memorandum that said on it, uh, "We are now ready to go with this operation. Uh, we will need such and such amount of money. Here are the targets that are possible. Please pick the targets that you want."

MITCHELL: Are you serious about this?

EHRlichman: Yes, sir. And that you, then by some designation, circles or, uh, checks, or something, uh, picked the targets and authorized the operation.

MITCHELL: That's about as far from the truth as it's possible to get.

EHRlichman: Well, this is the, this is the kind of stuff they're working with.

MITCHELL: Out of Liddy and McCord?

EHRlichman: I assume so. I, uh, but I, I would guess less McCord than Liddy.

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MITCHELL: What's the time frame?

EHRlichman: This was prior to May sometime. Pri--Well, I'll tell you when it was: it was prior to the purchase of the equipment, allegedly.

MITCHELL: When would that have been?

EHRlichman: No, I don't know. Apparently brought -- they know when the equipment was bought and from whom in New York City.

MITCHELL: [Unintelligible]

EHRlichman: But, that's the, that's what they tell me is the quality of the evidence.

MITCHELL: Well, that's Magruder you're talking about.

EHRlichman: I doubt it, because as far as I know, Magruder has not yet talked to them.

MITCHELL: Well, I have never saw Liddy between the, the, the 5th of February and the, and the 15th of June.

EHRlichman: Well, uh, uh, you know, uh, all I can tell you is what I've heard,

MITCHELL: Oh.

EHRlichman: and as I say, I can't vouch for the quality of it. But, uh, they are operating very much on hearsay, and, uh, there's a lot of talking back and forth among the defendants, which is being quoted, where, uh, Hunt says to Liddy, uh "Gordon, this is a crazy operation. We shouldn't go back in there," and Liddy says to Hunt, uh, "Howard, we have to. Mr. Mitchell personally insists upon it."

MITCHELL: Oh, come on.

EHRlichman: Yeah.

MITCHELL: That's ridiculous.

EHRlichman: I know, but that's the testimony.

MITCHELL: Well, where would Liddy get that, John?

EHRlichman: I don't know. I do not know. But that's part of the res gestae. So, that's the sort of thing that you're up against, and it, uh, it sort of pervades.

MITCHELL: Well, that's about as far from the facts as you can possibly get.

EHRlichman: Well, but it, it makes a serious problem, obviously.

MITCHELL: Yes. Yeah, it does. I haven't doubted it.

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EHRlichman: Yeah.

MITCHELL: for a moment. All you have to do is look at what McCord's been saying.

EHRlichman: Yeah.

MITCHELL: Of course, McCord has gotten it from Liddy, and of course, Liddy was using my name, obviously, to impel these people into their operation.

EHRlichman: Right. Well, that's the, that's the kind of thing that has me concerned.

MITCHELL: Needless to say, I am concerned about it.

EHRlichman: [Picks up phone] Yeah. Uh huh. Flight 148. Okay.
Will you write that out for him. Thanks. [Hangs up] Okay.
Confirmed it, uh, in an hour and a quarter [clears throat]

MITCHELL: That would be --

EHRlichman: Three thirty.

MITCHELL: Three thirty.

EHRlichman: Yeah.

MITCHELL: American at three thirty.

EHRlichman: Yes, she'll write it out on a card for you. The President said if there were any reason that you wanted to see him, he'd be happy to see you,

MITCHELL: No.

EHRlichman: but his judgment was that

MITCHELL: I don't want to embarrass him.

EHRlichman: you and I should decide that, and uh --

MITCHELL: No. I don't want to embarrass him.

EHRlichman: Okay. It wouldn't embarrass him -- It might -- today. It might later, you know. That's the, that's the problem as I see it.

MITCHELL: [Unintelligible]

EHRlichman: But, uh, now, I might caution -- Remember the other day we, we, I asked you about your representation? Uh, O'Brien is probably a target and you may want to arrange other help.

MITCHELL: Well, I've, of course, thought about that too, John, but, uh, until something develops there is just no way. [Unintelligible]

EHRlichman: Yeah, well, I just wanted you to know what I know.

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EHRlichman: They're working hard on him, apparently.

MITCHELL: Uh, who knows the story of those post activities?
[Unintelligible] know that?

EHRlichman: Uh, Paul O' Brien.

MITCHELL: Well, he -- I talked to him about that. He, he only knows something way down the line.

EHRlichman: He knows quite a bit.

MITCHELL: He doesn't know about

EHRlichman: He laid out a line,

MITCHELL: [unintelligible] up front.

EHRlichman: he laid out an awful lot for me out in San Clemente. In fact, he is my principal source of information on that, that phase. Uh, Dean has added a little bit to it, but not, not very much.

MITCHELL: Now, what do they say is my involvement in it, other than knowing about it?

EHRlichman: Not much. Just that. Knowing and acquiescing and, uh, calling on Dean for help. And, uh, uh, that's about it.

MITCHELL: How did I call on him for help?

EHRlichman: Just, saying, uh, can you, can you get those fellows over there to help us raise some money, and, uh, uh, not for what or anything of that kind. I've not found anybody, as I said before, who could be identified as an actor in the process of inducing anybody to perjury or silence, or anything of that kind

MITCHELL: No.

EHRlichman: insofar as the judicial process is concerned. And, so, uh, when the President asked me about that, I just had to tell him, you know, "I don't know. Maybe it was the lawyers. Maybe it was their lawyers. I don't know who was involved. I didn't talk to any of them, so I just don't know."

MITCHELL: Well, apparently from what I've learned, was that, uh, Bittman was the mover.

EHRlichman: What?

MITCHELL: Particularly with respect to the subpoenae. And Hunt said Bittman was --

EHRlichman: I'll bet you a wooden nickel that he's made a deal.

MITCHELL: Bittman?

EHRlichman: Yup.

MITCHELL: Well, he's been up there talking to them.

EHRlichman: Well, I don't know that. But I don't know that Hunt's

coming forward is, uh -- with some evidence to the fact that -- you know, where something worked out.

MITCHELL: Well, Bittman's a knowledgeable guy but would uh --

EHRlichman: Used to be that.

MITCHELL: Yeah [unintelligible] but really, I didn't try to --

EHRlichman: I understand he's in trouble with his firm out of this whole thing.

MITCHELL: I wouldn't be surprised. [Unintelligible] I think he's being level with them on this Hunt thing.

EHRlichman: Yeah [unintelligible]. Now Kleindienst has said this to me, and you may already know this -- that, uh, if you in any way get in a crack in this case, that he will disassociate himself entirely from any process. He doesn't want to make the, any decision. He wouldn't want to in any way touch the case. And he's calling me, me regularly to advocate the appointment of a special prosecutor. That is not what I, at least, think ought to be done, uh, to bring in somebody from the outside in, who has to earn scalps and make a reputation for himself. It's exactly the wrong way to go on this. There are all sorts of eccentricities into the thing. There is a

perfectly good Deputy Attorney General over there to,
you know, you can delegate if you think anything
like that needs doing.

MITCHELL: Well, unofficially, I think you break down the criminal
justice system [unintelligible].

EHRlichman: Absolutely.

MITCHELL: Every time you get s--, something like this.

EHRlichman: Kangaroo court.

MITCHELL: Well, no, that's not -- but, uh,
the thought that every time, uh, uh, something comes along
you'd have to supercede the prosecutor.

EHRlichman: Yeah. Yeah. Yeah.

MITCHELL: In other words, uh, you're throwing brickbats at the, uh,
system of justice.

EHRlichman: Yeah. So, uh, that's not been finalized in regard with --
things may move fast this week, from what they tell me,
[Unintelligible]. We'll have to, have to, uh, be talking
to Dick about some arrangement, but our tendency is to say
to him, well, you know, delegate it within your department
if you have a problem. Apparently Henry Petersen feels
the same way.

MITCHELL: What's that, that he wants out?

EHRlichman: He would want to remove himself from the process.

MITCHELL: Nice to have friends, isn't it?

EHRlichman: Well, that's -- may be the problem. They're your friends so they don't want to, uh, they don't want to be in it. You know, which is, uh, a net, a net minus [laughs] in the whole thing. Well, I, uh --

MITCHELL: Particularly after what they went through before.

EHRlichman: Yeah. Yeah. Right. I, uh, will be glad to, you know, answer any questions as they come along, or keep you posted if there is a development. Uh, I didn't talk to Magruder but he was invited to come for a similar conversation and informed, uh, Higby to invite him [unintelligible]. But he had last night decided -- you know, his attorneys have advised him and he decided to go in so that kind of moots, you know, any conversation that I might have with him.

MITCHELL: What, uh, what is he going to say about what he said before about people over here?

EHRlichman: I don't know. He says he's, uh, liable for perjury

and he understands that. Now whether that goes to anything he said in this direction, I just don't know. I don't think anybody here has asked him what he is going to say.

MITCHELL: Uh, no, I'm not thinking about that, no. He has basically perjured himself except that they claimed that John Dean [unintelligible] but, uh, Liddy cleaned them; uh, but some of the statements that he has made -- Well, he made them in front of Bob and I, about Haldeman knowing all about this, and, uh, and Colson who --

EHRlichman: Oh, I think that was a, that was an effort to frighten people. And, uh, uh, I have, I haven't talked to Bob in detail about that, but Bob said he had, he has given another version since which will probably make people more worried not less since they change their stories a lot. But, uh, their feeling is that he's, he's settled down to basically what is the truth. And uh, at least that's what he says; that's what he's going to do, is go in and tell the truth.

MITCHELL: He's got these stories that he tells me that LaRue, uh, apparently was with him, uh, one phone conversation they had with Colson. Colson pushed them in when -- it goes on, and on, and on, and on.

EHRlichman: Yeah, well, I have no doubt that there were such calls, and that, uh, he will testify to that if he's asked. That's

part of the thing that I ran into in the course of this little short course I'm having, you see; that Colson, was, uh, urging action. I mean he had a lot of trouble with Magruder making him do a lot of different things he was troubled with. And that, uh, uh, he had trouble finding out about schedules and about what the Democrats were saying about each other, and all that kind of thing.

I think one of the problems here is that when one fellow needs to order intelligence he meant one thing; the fellow who was listening to him thought another, uh, when he heard the word, and that there were imperfect communications among people in the whole, in the whole thing.

MITCHELL: Well,

EHRlichman: What was intended --

MITCHELL: This was obviously true in Bob's case.

EHRlichman: Yeah. Yeah. So, uh, uh, and the, and that's Colson's view. That, when he called Magruder and said, "I need intelligence," he meant a certain thing. Magruder may have listened to a different thing.

MITCHELL: Yeah, That's like he and Hunt and Liddy and [unintelligible]

EHRlichman: He who? He, Colson?

MITCHELL: told [unintelligible]

EHRlichman: Well, that would tend to color the definition,

I suppose. But, uh, I, uh, I obviously don't know what the specific conversation was, but I know there were a number of occasions when Colson was on Magruder to do certain things, and they didn't all relate to intelligence gathering. [Unintelligible] after the [unintelligible]

MITCHELL: Riots on the Capitol steps and a few other things.

EHRlichman: Yup. Well, let me know what I can do.

MITCHELL: Well, what I would like to do [unintelligible] posted.

EHRlichman: I'll make sure you do. Except that I haven't anything that's nearly reliable.

MITCHELL: Yeah. [Clears throat] Well, is anybody debriefing these witnesses after the Grand Jury?

EHRlichman: No. No. I'm told that's a violation of some section or other. One may not solicit from a witness, so we've been very scrupulous about doing so.

MITCHELL: Uh huh.

EHRlichman: And, uh, a lot of what I pick up I pick up from just run of the mine leaks, you know, press leaks,

MITCHELL: Uh huh.

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EHRlichman: and other kind of leaks, about what is reported, reported, to be said here. It's not very good.

MITCHELL: Sure and hell was done before the election. I assure you of that.

EHRlichman: Yeah. Yeah. Apparently, uh, another bit of information, speaking of that, this attorney that the Cubans fired

MITCHELL: Rothblatt.

EHRlichman: is a witness before the Grand Jury on Tuesday, Next week.

MITCHELL: What is his place in the scenario?

EHRlichman: I don't know. I know that he has, he has said -- Well, he -- now he's McCord's lawyer, for one thing. He has said that his clients were paid off, to keep quiet, and he has said that to Committee investigators. And so I assume that's why he's been called because they were working on that phase.

MITCHELL: Uh huh.

EHRlichman: And Kalmbach is phoning him and, and, and has since talked to him, so I don't know what he's got on his mind. [Unintelligible] somewhere in the course of this whole thing.

MITCHELL: Well, I guess he will. [Unintelligible]

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and I re--, recall these circumstances -- Herb,
uh, raised some of that money [unintelligible]

EHRlichman: So, uh, he's -- incidentally, Herb has been subpoenaed by the Select Committee, duces tecum. I think he has sent in his bank records going back into the '70 congressional campaign. [Unintelligible]

MITCHELL: Oh, one other thought, uh, John, in connection with that money that was over here. There should they ever be attempt made to establish that that was part of a zillion dollars that I had left over from '68, which was not subject to campaign expenses.

EHRlichman: That's true, isn't it? I have always believed that. I don't know, but, uh, I've always believed --

MITCHELL: I have always heard it was so, uh, John, but now [clears throat] Maurice [clears throat] Stans has got so many items floating around that I'm not sure whether they put it all together. He and, uh, Kalmbach had a meeting where they tried to balance things out, but then they had Sloan --

EHRlichman: Another set of books, eh?

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MITCHELL: Well, apparently so. But, uh, that is something that, uh, would save a lot of grief if that weren't campaign funded.

EHRlichman: Yeah.

MITCHELL: [Unintelligible]

EHRlichman: Yeah. Okay. I don't know what, you know, how we can reduce those facts beyond what Maury and Herb can put together, but Bob's impression is that that was the source of the money.

MITCHELL: Uh huh.

EHRlichman: I asked him and he said it is '68 money. He would know.

MITCHELL: That's what I'm talking about.

EHRlichman: Yeah. Yeah.

MITCHELL: Yes, they had, uh, I guess bringing the money they had in New York and [unintelligible] California, they had about a million dollars [unintelligible]

EHRlichman: I, I don't know. I think this was pretty close to it.

MITCHELL: Well, I never heard about borrowing this till now.

EHRlichman: Uh huh. Well, uh, as I say, that's, that fund is now before

the Grand Jury. There was a, a problem because Strachan misspoke at the Grand Jury and said that he had returned two-hundred and fifty thousand, when in point of fact, he remembers only returning three hundred twenty some thousand. And uh -- so he came in and asked me what he should do, and I said he ought to call the U. S. Attorney and just tell him that he misspoke and that he wanted a chance to correct the record, which he has now done. His, uh --

MITCHELL: What, what does that mean? That some of the money was paid out of here?

EHRLICHMAN: It was paid out for, uh, t --, uh, to, uh, somebody named Baroody in the P.R. business for an ad, uh, as best they can recall it. And, there are no books of account on it, apparently. They're asking to see [unintelligible] But, uh, somewhere in the last days of the campaign, Dick Howard asked for money to pay for this ad, and that is where it went.

MITCHELL: Uh huh.

EHRLICHMAN: But, otherwise it remained intact. It never was tapped otherwise. So I --

MITCHELL: That's, that's not what I understand.

EHRlichman: It was tapped before?

MITCHELL: I think that's what I've heard.

EHRlichman: Now, that's the first I've heard --

MITCHELL: It was tapped for paying this, uh, all those characters, whoever they were.

EHRlichman: Before it got back over to the Committee?

MITCHELL: Uh huh.

EHRlichman: Gee, that's news to me. That's, that's something I have never heard before. That, that Strachan tapped it? Or somebody?

MITCHELL: Well, apparently, uh, John Dean is the one that, uh, was working on it and he went to Strachan and they had to get Bob Haldeman's clearance on it.

EHRlichman: Well, all right, let me tell you what I understand to be the case [unintelligible] that Strachan came to Haldeman and said, uh, uh, "How about this,

how about this fund of money," and Haldeman had not had occasion to think about it since the time of the ad, and he said, "Well, the campaign's over now. Send the money back to the Committee." And so Strachan took the money back and gave it to LaRue who was designated to be the recipient of the money. So the, the whole thing was wholesaled back to LaRue.

MITCHELL: Well, you'd better check this with John Dean because he's the one that, uh, told me this story. I guess it was last, early last week, and I had heard it before, that, uh, there was some of that money used to pay Bittman or whoever they delivered the money to.

EHRlichman: Before it got to Fred? Huh.

MITCHELL: I don't believe, I don't think there's any question about that. I know it was. Maybe two or three payments [unintelligible]

EHRlichman: Okay. I'll check.

MITCHELL: And that, uh, that Strachan obviously wasn't going to do it on John Dean's request, and he went to Bob on it.

EHRlichman: Huh. All right, I'll check that.

MITCHELL: The question, the question of course is what, what John Dean might say about it.

39.5 TRANSCRIPT OF APRIL 14, 1973 MEETING

EHRLICHMAN: Yeah. Well, I will talk to John before I talk to anybody else. See what's up. I have another visitor,

MITCHELL: All righty.

EHRLICHMAN: and so, uh, if I can make you comfortable somewhere else, I would, uh, be happy to do that. Can I get you an automobile?

MITCHELL: I don't know whether you can make me comfortable, but [unintelligible]

EHRLICHMAN: You know what I mean. [laughs] I'm, uh, running kind of a musical chairs game here today.

MITCHELL: Uh huh.

EHRLICHMAN: Thanks, John, very much. Let me know.

MITCHELL: I'll be talking to you.

EHRLICHMAN: Okay, John. Catch you later.

MITCHELL: [Unintelligible]

EHRLICHMAN: See you later. [Mitchell leaves] Hi Suzie. How you feeling? Good. That's an attractive [unintelligible] you have on.

UNKNOWN: [Unintelligible]

EHRLICHMAN: That's something.

40. On April 14, 1973 the President met with Haldeman from 1:55 to 2:13 p.m. Haldeman reported to the President on his telephone conversation with Magruder. These was a discussion of what Haldeman and Strachan would say if Magruder testified that he had sent Gemstone materials to Strachan.

In response to the Committee' subpoena for the tape recording and other evidence of this conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

	Page
40.1 President Nixon daily diary, April 14, 1973, Exhibit 19, <u>In re Grand Jury</u> , Misc. 47-73.....	770
40.2 House Judiciary Committee staff summary of White House edited transcript of a meeting between the President and H. R. Haldeman, April 14, 1973, 1:55 - 2:13 p.m.....	773

40.1 PRESIDENT NIXON DAILY DIARY, APRIL 14, 1973, EXHIBIT 19,
IN RE GRAND JURY, MISC. 47-73

THE WHITE HOUSE		PRESIDENT RICHARD NIXON'S DAILY DIARY (S. Travel Record for Travel Activity)	
PLACE DAY BEGAN		DATE (Mo., Day, Yr.)	
THE WHITE HOUSE WASHINGTON, D.C.		APRIL 14, 1973	
TIME		TIME DAY	
In	Out	TIME	DAY
7:55	8:02	7:55 a.m.	SATURDAY
8:02	8:35		
8:35	8:42		
8:44			
8:47	8:49		
8:54	8:56		
8:55	11:31		
9:00	11:30		
10:49	10:50		
11:32	12:30		
11:32	12:02		
11:33	11:34		
12:53	12:54		
1:52			
1:55	2:13		
2:13			
2:23			

GOVERNMENT
EXHIBIT
19

PHONE P=Placed R=Received	ACTIVITY
	The President motored from the South Grounds of the White House to the office of his dentist, Dr. William O. Chase, 1302 18th St., N.W.
	The President met with Dr. Chase.
	The President motored from Dr. Chase's office to the South Grounds of the White House.
	The President went to his office in the EOB.
P	The President talked with his Special Assistant, Stephen B. Bull.
P	The President talked with Secretary of Defense Elliott L. Richardson.
	The President met with: John D. Ehrlichman, Assistant H. R. Haldeman, Assistant
P	The President talked with Mr. Bull.
	The President met with: Henry A. Kissinger, Assistant Gen. Alexander M. Haig, Jr., Army Vice Chief of Staff
P	The President talked with Mr. Bull.
P	The President talked with Mr. Bull.
	The President went to the Oval Office.
	The President met with Mr. Haldeman.
	The President went to the South Grounds of the White House.
	The President greeted tourists being escorted by the First Lady on a tour of the White House gardens. Included in the group were Mayor Walter E. Washington (D-Washington, D.C.) and winners of a poster contest sponsored by the Society for a More Beautiful National Capital, Inc. For a list of poster contest winners, see <u>APPENDIX "A."</u> Members of the press, in/out White House photographer, in/out
	The President, accompanied by his Press Secretary, Ronald L. Ziegler, returned to the Oval Office.

WHITE HOUSE

PRESIDENT RICHARD NIXON'S DAILY DIARY
(See Travel Record for Travel Activity)

PLACE DAY BEGAN				DATE (Mo., Day, Yr.)
THE WHITE HOUSE WASHINGTON, D.C.				APRIL 14, 1973
				TIME DAY
				2:23 p.m. SATURDAY
TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	Lo	LD	
2:23	2:24			The President met with Mr. Ziegler.
2:24	3:55			The President met with: Mr. Haldeman Mr. Ehrlichman
3:55				The President went to his office in the EOB.
4:58	4:59	P		The President talked with the First Lady.
5:15	6:45			The President met with: Mr. Haldeman Mr. Ehrlichman
5:41			R	The President was telephoned long distance by Senator Robert Dole (R-Kansas) in Salina, Kansas. Mr. Bull took the call.
5:45		R		The President was telephoned by his daughter, Julie. The call was not completed.
6:08	6:09	R		The President talked with his daughter, Julie.
8:11				The President returned to the second floor Residence.
8:58	9:04			The President and the First Lady motored from the White House to the Washington Hilton Hotel.
				The President and the First Lady were greeted by: Edgar A. Poe, correspondent for the <u>New Orleans Times-Picayune</u> and outgoing President of the White House Correspondents' Association Ted Knap, correspondent for Scripps-Howard Newspaper Alliance and incoming President of the White House Correspondents' Association
				The Presidential party went to the head table in the International Ballroom.
				The President and the First Lady were guests of honor at a dinner hosted by the White House Correspondents' Association. Mr. Knap presented the President with a sterling silver replica of an 18th century globe crafted by Williamsburg silversmiths. For a list of other head table guests, see <u>APPENDIX "B."</u> Members of the press, in/out White House photographer, in/out

40.1 PRESIDENT NIXON DAILY DIARY, APRIL 14, 1973, EXHIBIT 19,
IN RE GRAND JURY, MISC. 47-73

WHITE HOUSE

PRESIDENT RICHARD NIXON'S DAILY DIARY

(Use Travel Record for Travel Activity)

DATE (Mo., Day, Yr.)

APRIL 14, 1973

TIME DAY

9:04 p.m. SATURDAY

PLACE DAY BEGAN

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE		ACTIVITY
In	Out	P-Placed	R-Received	
				The President returned to his limousine. He was accompanied by: The First Lady Mr. Poe Mr. Knapp
10:20	10:26			The President and the First Lady motored from the Washington Hilton Hotel to the South Grounds of the White House.
10:28				The President and the First Lady returned to the second floor Residence.
11:02	11:16	P		The President talked with Mr. Haldeman.
11:20		P		The President telephoned Mr. Kissinger. The call was not completed.
11:22	11:53	P		The President talked with Mr. Ehrlichman.
				For a record of the President's activities after midnight, see the Daily Diary for April 15, 1973.
				CD/SH/JD

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

April 14, 1973, 1:55 p.m. to 2:13 p.m.

On April 14, 1973, the President met with Haldeman in the Oval Office from 1:55 to 2:13 p.m. Haldeman related his difficulty in contacting Magruder, which he finally did and told Magruder "there have been some developments and we have reviewed this whole thing with the President" and "he thought it was important to have you and your lawyer meet with John Ehrlichman right away and get up-to-date on where things stand from this side." Magruder told him, Haldeman said, that "you know this whole thing -- I don't know the situation but it is all done now." Haldeman said he asked Magruder what he meant and Magruder replied, "I decided late last night with my lawyers that I am going to go ahead -- you told me to do what my lawyers told me to do. You said you couldn't advise me." (pp. 1-2)

The President asked, "Is that what you told him?," and Haldeman said yes, he had told Magruder that last week through Higby. Haldeman said Magruder went on to say "they had decided last night that he would have to tell all and his lawyers met with Silbert today and informed Silbert that Magruder was ready to tell all and requested an opportunity for him to do so." Magruder said he did not ask for immunity because he did not feel entitled to it, and that "the reason that I tell everything is because they are going to get it anyway." Haldeman said, "they've got the facts -- they may not be able to prove them but they've got them" and "Magruder is set to give them the proof." (pp. 2-3) Haldeman described what Magruder said "they've got me for six or eight counts

perjury, two counts of conspiracy and two counts of obstruction of justice," and "the only thing I gain out of this is the hope that I don't go up for all the counts." (pp. 3-4)

Haldeman said that Magruder said "the other thing that you have to understand, Bob, is that this whole thing is going down the drain -- he said everybody is going to crumble," that "LaRue, everybody involved here is going to blow with the exception of John --," whereupon the President said, "Mitchell?" (p. 4) Haldeman then said unfortunately he had this conversation with Magruder just as Mitchell was driving up the driveway, and he "had him go up to John Ehrlichman's office but then Ehrlichman heard all of this before he went in to Mitchell." Haldeman said Magruder has not told Mitchell of his decision yet, but that was his next step. The President said, "How the hell can John Mitchell deny it? He was right on the (unintelligible) spot." (p. 5)

Haldeman said Magruder said he would unfortunately to a degree implicate Dean and possibly Bart but that "He said there is no way that anything I do will get to you." (p. 5) Haldeman said, "where he gets John Dean is on his attendance at those meetings" which "clearly and specifically did involve bugging." In response to the President's question, "what about the aftermath?", Haldeman said, "I don't think Magruder knows about the aftermath." (p. 6) There was a discussion of how Magruder might implicate Strachan and Haldeman said Magruder would testify he sent "materials" to Strachan at the White House. The President asked "What would Strachan say," and Haldeman replied that "Strachan has no problem

with that" because "He will say that after the fact there are materials that I can now surmise where what he is referring to but they were not at the time identified in any way as being the result of wiretaps and I did not know they were. They were amongst tons of stuff. Jeb makes the point. He said, I am sure Gordon never sent them to Bob because they were all trash. There was nothing in them. He said the tragedy of this whole thing is that it produced nothing." (pp. 6-7) The President asked, "What our problem there is if they claim that the reports came to the White House -- basically to your office -- what will you say then?" (p. 7) Haldeman said, "They can. This doesn't ever have to come out." The President said, "I know, but they will ask it in the Grand Jury." Haldeman said, "If they do ask it in the Grand Jury -- the Grand Jury is secret. The only way it will come out is if they decide to indict Strachan and put him up for trial. He, Jeb, is totally convinced that they have no interest in Strachan at all -- and they have all this stuff. Haldeman went on to say, apparently referring to Magruder, that he said, "in the earlier stuff that Strachan knew about it beforehand. That Strachan knew they were bugging the Watergate. Strachan says he didn't. Jeb has implied a lot of things that I know aren't true," Haldeman said, "but I know that a lot of things that other people are saying aren't true so I would have no idea whether he believes now that -- one of the problems Jeb has is that he's not sure what is true at this point." (p. 8) The President asked, "He tells you this?", and Haldeman replied, "He tells me that he is sorry about this

because it will probably hurt Dean and it may hurt Bart," and that "he is looking at things a little different now." At this point there appears the notation "Materials not related to Presidential actions deleted."

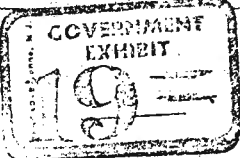
After the portion deleted, the President asked, "Has anything come out yet -- something implies that there are copies of a bill from the Watergate to the White House or not or has that not been said?" Haldeman said, "I am sure that it is the thing that follows -- all of them had access to everything -- involvement -- implication is clearly there." The President said, "Everybody is sure trying to get in the act now. I see a message here from Steve that John (unintelligible) had thought about the Watergate and had some ideas he would like to pass along." (p. 9)

41. On April 14, 1973 the President met with Haldeman and Ehrlichman from 2:24 to 3:55 p.m. At this meeting Ehrlichman reported on his meeting with Mitchell. There was a discussion of the motive for the payments to the defendants and the transfer of the \$350,000 from the White House to the Committee for the Re-election of the President. The President instructed Ehrlichman to meet with Magruder. There was a discussion whether it would reduce the likelihood of Department of Justice follow-up if Ehrlichman gave a report to Kleindienst rather than Silbert.

In response to the Committee's subpoena for the tape recording and other evidence of this conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

	Page
41.1 President Nixon daily diary, April 14, 1973, Exhibit 19, <u>In re Grand Jury</u> , Misc. 47-73.....	778
41.2 House Judiciary Committee staff summary of White House edited transcript of a meeting among the President, H.R. Haldeman and John Ehrlichman, April 14, 1973, 2:24-3:55 p.m.....	781

41.1 PRESIDENT NIXON DAILY DIARY, APRIL 14, 1973, EXHIBIT 19,
IN RE GRAND JURY, MISC. 47-73

THE WHITE HOUSE		PRESIDENT RICHARD NIXON'S DAILY DIARY		(Continued Record for Travel Activity)	
PLACE DAY BEGAN				DATE (Mo., Day, Yr.)	
THE WHITE HOUSE WASHINGTON, D.C.				APRIL 14, 1973	
TIME		PHONE P=Placed R=Received		TIME DAY	
In	Out	Lo	LD	ACTIVITY	
7:55	8:02			The President motored from the South Grounds of the White House to the office of his dentist, Dr. William O. Chase, 1302 18th St., N.W.	
8:02	8:35			The President met with Dr. Chase.	
8:35	8:42			The President motored from Dr. Chase's office to the South Grounds of the White House.	
8:44				The President went to his office in the EOB.	
8:47	8:49	P		The President talked with his Special Assistant, Stephen B. Bull.	
8:54	8:56	P		The President talked with Secretary of Defense Elliott L. Richardson.	
8:55	11:31			The President met with: John D. Ehrlichman, Assistant	
9:00	11:30			H. R. Haldeman, Assistant	
10:49	10:50	P		The President talked with Mr. Bull.	
11:32	12:30			The President met with: Henry A. Kissinger, Assistant	
11:32	12:02			Gen. Alexander M. Haig, Jr., Army Vice Chief of Staff	
11:33	11:34			The President talked with Mr. Bull.	
12:53	12:54	P		The President talked with Mr. Bull.	
1:52				The President went to the Oval Office.	
1:55	2:13			The President met with Mr. Haldeman.	
2:13				The President went to the South Grounds of the White House.	
				The President greeted tourists being escorted by the First Lady on a tour of the White House gardens. Included in the group were Mayor Walter E. Washington (D-Washington, D.C.) and winners of a poster contest sponsored by the Society for a More Beautiful National Capital, Inc. For a list of poster contest winners, see <u>APPENDIX "A."</u>	
				Members of the press, in/out	
				White House photographer, in/out	
2:23				The President, accompanied by his Press Secretary, Ronald L. Ziegler, returned to the Oval Office.	

WHITE HOUSE

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

PLACE DAY BEGAN				DATE (Mo., Day, Yr.)
THE WHITE HOUSE WASHINGTON, D.C.				APRIL 14, 1973
				TIME DAY
				2:23 p.m. SATURDAY
TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	Lo	LD	
2:23	2:24			The President met with Mr. Ziegler.
2:24	3:55			The President met with: Mr. Haldeman Mr. Ehrlichman
3:55				The President went to his office in the EOB.
4:58	4:59	P		The President talked with the First Lady.
5:15	6:45			The President met with: Mr. Haldeman Mr. Ehrlichman
5:41			R	The President was telephoned long distance by Senator Robert Dole (R-Kansas) in Salina, Kansas. Mr. Bull took the call.
5:45		R		The President was telephoned by his daughter, Julie. The call was not completed.
6:08	6:09	R		The President talked with his daughter, Julie.
8:11				The President returned to the second floor Residence.
8:58	9:04			The President and the First Lady motored from the White House to the Washington Hilton Hotel.
				The President and the First Lady were greeted by: Edgar A. Poe, correspondent for the <u>New Orleans Times-Picayune</u> and outgoing President of the White House Correspondents' Association Ted Knap, correspondent for Scripps-Howard Newspaper Alliance and incoming President of the White House Correspondents' Association
				The Presidential party went to the head table in the International Ballroom.
				The President and the First Lady were guests of honor at a dinner hosted by the White House Correspondents' Association. Mr. Knap presented the President with a sterling silver replica of an 18th century globe crafted by Williamsburg silversmiths. For a list of other head table guests, see <u>APPENDIX "B."</u> Members of the press, in/out White House photographer, in/out

41.1 PRESIDENT NIXON DAILY DIARY, APRIL 14, 1973, EXHIBIT 19,
IN RE GRAND JURY, MISC. 47-73

WHITE HOUSE		PRESIDENT RICHARD NIXON'S DAILY DIARY (See Travel Record for Travel Activity)		DATE (Mo., Day, Yr.) APRIL 14, 1973
PLACE DAY BEGAN THE WHITE HOUSE WASHINGTON, D.C.		TIME DAY 9:04 p.m. SATURDAY		
TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	In	Out	
				The President returned to his limousine. He was accompanied by: The First Lady Mr. Poe Mr. Knapp
10:20	10:26			The President and the First Lady motored from the Washington Hilton Hotel to the South Grounds of the White House.
10:28				The President and the First Lady returned to the second floor Residence.
11:02	11:16	P		The President talked with Mr. Haldeman.
11:20		P		The President telephoned Mr. Kissinger. The call was not completed.
11:22	11:53	P		The President talked with Mr. Ehrlichman.
				For a record of the President's activities after midnight, see the Daily Diary for April 15, 1973.

CD/SM/JD

SUMMARY OF WHITE HOUSE
EDITED TRANSCRIPT
APRIL 14, 1973, 2:24 to 3:55 P.M.

On April 14, 1973, the President met in the Oval Office with Haldeman and Ehrlichman, from 2:24 to 3:55 p.m. Ehrlichman told the President that he had finished a meeting with Mitchell. Ehrlichman said, "He is an innocent man in his heart and in his mind and he does not intend to move off that position." Ehrlichman stated that Mitchell "appreciated the message of the good feeling between you and him." The President said, "He got that, huh?"
(p. 1)

Ehrlichman stated that he began the meeting with Mitchell by pointing out that the subject was so difficult for the President to talk to him personally about, that the President had asked Ehrlichman to meet with him. Ehrlichman explained that he told Mitchell of the facts he had presented to the President, and while the conclusions "were admittedly hearsay," they "pointed in the direction of the ex-soldier and Jeb's and other people." Ehrlichman related that he told Mitchell that the President had instructed that Ehrlichman speak with these people because during the course of the investigation "we had discovered a frame of mind on the part of some people that they should stand mute in order to help the President."
(p. 1) Ehrlichman stated that he told Mitchell that the President did not believe that the interests of the Presidency were served by

standing mute for that reason alone, although there might be plenty of other reasons to do so. Mitchell, Ehrlichman told the President, responded to this by stating that he understood the President "is reserving to me all my options," but that the reason he was remaining silent had nothing to do with either helping or hurting the Presidency but rather because "these characters pulled this thing off without my knowledge." Mitchell had said, "I never saw Liddy for months at a time." Ehrlichman told the President that Mitchell said, "I didn't know what they were up to" and that no one was more surprised than I was. Ehrlichman said that Mitchell "lobbed mud balls at the White House at every opportunity -- it was very interesting how he dragged it in. One after the other." (p. 2)

Ehrlichman said that Mitchell explained "these meetings," were in Mitchell's office "Liddy put on this million dollar presentation which was perfectly ridiculous." Ehrlichman recalled that Mitchell pointed out that the "origin of that, of course, was in the White House where Bob Haldeman and I talked about something called the Operation Sandwedge that was really the grandfather of this whole thing." Ehrlichman said Mitchell further said, "That was never put together because we couldn't get the right people to do it." (pp. 2-3) The President asked, "What is Operation Sandwedge?", and Haldeman replied "He is right," that "Jack Caulfield came up with that back in 1971, said we need some fellows to set up our own detail."

Ehrlichman stated that Mitchell said there were only three meetings and did not believe there was a fourth. Haldeman said Mitchell

wasn't in the fourth meeting, then Ehrlichman said Mitchell didn't refer to three or four, he referred to the meetings themselves and argued that there was no meeting after the million dollar meeting, to which Haldeman said, "Well, it wasn't that way."

Mitchell, according to Ehrlichman, stated that Magruder "is going to have a problem with all of this because Dean talked Magruder into saying the wrong things to the Grand Jury." (pp. 3,4) The President said, "my God, Mitchell was there?" and Ehrlichman said "Yep." The President asked what Dean said about it, and Ehrlichman said Dean said it was Mitchell and Magruder, and "It must have been the quietest meeting in history everybody's version is that the other two guys talked --." (p. 4)

Ehrlichman said that Mitchell said he had been a very busy man and wasn't keeping track of what was going on at the Committee. Ehrlichman said Mitchell said that this was engendered as a result of Hunt and Liddy going to Colson and getting Colson to make a phone call to Magruder, and that Mitchell was not aware that all that happened until Van Shumway brought Liddy into Mitchell's office sometime in June. (pp. 4, 5) Ehrlichman told Haldeman that he didn't know if Mitchell knew of Liddy's actions "[b]efore the discovery" but that Haldeman could listen to his meeting with Mitchell because he had it taped. (p. 5)

Ehrlichman stated that he told Mitchell that the "Grand Jury, or the U. S. Attorney, felt they had John [Mitchell] wired," and Mitchell responded, "what possible evidence could they have to feel

that way?" Ehrlichman indicated that he told Mitchell that one version was that Magruder brought Mitchell a memo with a number of targets on it and that Mitchell checked off the targets he wanted. Mitchell, Ehrlichman noted, said, "Why nothing could be further from the truth than that." The President then said, "That was John Dean's version. . . . That's what he said to Mitchell." Haldeman then said, "Right. Then what Mitchell said to me was that he did not -- he said I checked -- I signed off on it." The President said, "Go ahead," and Haldeman said, "I said you mean you initialed it and he said no." (p. 5)

Ehrlichman then said he told Mitchell "they had testimony" that Liddy said to Hunt he knew Hunt didn't like this stuff "but we have to do it because Mr. Mitchell insists on it." Mitchell replied he did not see Liddy for five months from February to June. (pp. 5-6) Ehrlichman said Mitchell then said he thought Liddy was the source of a lot of his problems, using his name, etc., and that if he was indicted it would be very hard, but he had to think of his reputation, you can't let people get away with this kind of thing, and he would defend himself every way he can. (p. 6) Ehrlichman told the President that Mitchell said he was sorry that "so much of this is going to come to the White House because it certainly is not in the President's interest to have all of this kind of thing come out," and "[h]e made a great point of the \$350,000." (p. 6) Ehrlichman said Mitchell said, "I am very vague on the facts of this," and Ehrlichman told Mitchell about Strachan because Strachan used to work for him. Ehrlichman said he told Mitchell that Strachan "has to go back and correct the \$350,000 to \$328,000."

Mitchell said, according to Ehrlichman, that he "wasn't the only (unintelligible) for that money," that Ehrlichman would have to check with Dean on this but it was Mitchell's recollection that "Dean had Strachan draw other money out of that fund for payments to these defendants." (pp. 6-7) Ehrlichman said he told Mitchell that was the first he had heard of that, that Ehrlichman understood that Strachan had gone to Bob and Bob had said send it back to the Committee and that Strachan took it to LaRue. According to Ehrlichman, Mitchell said, "Yes, I think that's the way it all went, but not until some of it had been tapped by the defendants." Ehrlichman said to Mitchell, "It was not known to anyone over here who was going to receive it." (p. 7)

Discussion followed about the \$328,000, Haldeman saying it was not returned in one trip but it all went to LaRue. Haldeman described the sequence. He said, "We wanted to get the money back to the Committee. The Committee wouldn't take it. Mitchell wouldn't let LaRue take it. I said give it all back. Mitchell said no. Then they got desperate for money, and being desperate for money took back -- I think it was \$40,000. That is all they would take. I still said, Take it all back, not just a segment of it, and made the point that I didn't see what the problem was. If they needed money and we wanted to get rid of money, it seemed to me it was of mutual interest in working it out. And, that, then, was what happened. The balance --" The President interjected, "Tell Strachan on Monday that he better be clear that he didn't give --," and Haldeman said, "Right." The President said, "Strachan has testified apparently that he gave the whole bundle at once," but Haldeman said, "No, he wasn't asked that." The

President said, "He wasn't asked?" Haldeman said, "His testimony in that area is not wrong," and the President said, "Good." (p. 8)

Ehrlichman said he asked Mitchell what he thought "I ought to do with the information I had collected that last several weeks." Mitchell, Ehrlichman said, agreed with the idea that the information should be given to Kleindienst. (pp. 8-9) Ehrlichman stated that he told Mitchell "if you . . . get cracked in this case" Kleindienst would step aside, and that Ehrlichman said that he told Mitchell that Kleindienst was pushing for the appointment of a special prosecutor. Ehrlichman said that Mitchell opposed a special prosecutor idea but was in favor of appointment of a special counsel. (pp. 9-10)

Ehrlichman remarked that Mitchell stated, upon learning that Kleindienst might step aside should Mitchell become involved, that "it's great to have friends isn't it? Especially the way we stuck by them." Ehrlichman said that Mitchell probably meant "the ITT business . . . because of Kleindienst." Ehrlichman said Mitchell said he would be "very grateful if you would all kind of keep me posted" and that Mitchell "knew that we were talking to Chappie Rose." (p. 9)

Ehrlichman said Mitchell asked him "what I heard about the prosecutor's view of Mitchell's involvement in the obstruction of justice suit." Ehrlichman said he told Mitchell "that I really had not been able to find anybody who was in a fishing net, who really went to a defendant and said, 'Don't talk'. . . . And he said, 'Well I really wonder if you ever will, other than their lawyers.'" (p. 10)

Mitchell said, according to Ehrlichman, that his impression was that the lawyers "are the ones who are worried about their fees and who will really be coming to us rather than for any of us going to them to bring about a change in testimony." (pp. 10-11) Haldeman said Dean has been saying that all along and that "he says, 'I wasn't really worried about what they testified to. I was worried about what they would say to the press.'" Then Haldeman said "Exactly what Hunt made the challenge," Ehrlichman agreed, and then Haldeman said, "But somehow Dean doesn't see that that way." Ehrlichman said, "Well, we've got to talk to him some more." (p. 11)

Ehrlichman told the President that he and Mitchell did not mention Martha at all. Ehrlichman said that he stated to Mitchell that the only way Ehrlichman knew that Mitchell was mentioned regarding the aftermath was that on occasion Mitchell would send Dean over "saying, 'Hey we need money for this.' " Ehrlichman said Mitchell asked "Who told you that?", and Ehrlichman said he told Mitchell that it was common knowledge and that Dean will know that Mitchell told him that. (p. 11) Ehrlichman said he told Mitchell Dean had not been subpoenaed and had not testified and that "the way they are proceeding down there, it looks like they are losing interest in him." Ehrlichman said he told that to Mitchell "because I wanted him to be impressed with the fact that we were not jobbing him." (p. 11)

Ehrlichman said he told Mitchell that Magruder intended to "make a clean breast of it" and further told Mitchell "that was first party information and very reliable," and that Magruder's statements could begin to unravel the "saint from the sinner in both directions."

Mitchell agreed with that. Mitchell, according to Ehrlichman, asked Ehrlichman which version Magruder was going to testify to, "Is it the one that he gave Bob and me in Bob's office, or is it some other version?" The President inquired as to the version Magruder gave Bob, to which Ehrlichman responded that Mitchell, in "another gigging of the White House," said that in Bob's office Magruder said that Haldeman "had cooked this whole thing up over here at the White House." (p. 12)

On this point, Haldeman said that he had notes of that meeting. The President indicated that whatever Mitchell's theory is, "throwing off on the White House, won't help him one damn bit." (p. 13) Ehrlichman said, "Unless he can peddle the theory that Colson and others were effectively running the Committee through Magruder and freezing him out of the operation which is kind of the story line he was giving me," and went on to say that Mitchell implied "it's Colson, Dean and Bob working with Magruder, and that was sort of the way the line went."

The President said, "No. The White House wasn't running the campaign committee." Haldeman said, "He's got an impossible problem with that. The poor guy is pretty sad if he gets up there and says that. It is a problem for us, there is no question about it, but there is no way he can prove it." (p. 13)

Discussion turned to whether Ehrlichman should keep his 4 o'clock appointment with Magruder. Ehrlichman said that he saw no purpose in holding the meeting and Haldeman indicated that "Magruder is already going to do what John is going to tell him to do." The President stated that, "Our purpose, as I understood it -- what I mean Bob, was for making a record."

Ehrlichman said, "Alright. For that purpose maybe I should." (p. 14)

Haldeman said, "Ask him to tell you what he told me, and then you say, 'Good.'" The President, however, said, "We would like to get the hell what he is going to say." The President then said, "I would particularly like to get what the hell he is going to say about Strachan," and

Ehrlichman said, "Alright." The President said, "You could say, 'Look, Jeb, I have to conduct this investigation on the White House. Tell me what you are going to say.' If he says Strachan knows, ask him how he knows he knows." Ehrlichman said, "Alright." The President then said, "Do you think we should ask him that or do you not want to dig him on that?" Haldeman said, "That's O.K.," and Ehrlichman said "Once he tells me he intends to go forward to tell the truth, he has nothing to lose in talking to me." The President said, "Without guiding or leading him, you can at least maybe get that out tonight." (pp. 14-15) Ehrlichman noted that Magruder's lawyer would be there, and the President said, "The other thing is what about -- of course, you realize that if he says something about Strachan then of course that puts an obligation on us to do something about Strachan doesn't it?" Ehrlichman said, "[At] least to corroborate it or investigate or go forward on it." (p. 15)

Haldeman noted that he did not think that Magruder wanted to hang Strachan. Haldeman said, "That is the same kind of thinking as Strachan and Chapin, who were both very concerned about getting me into the Segretti thing....[T]hey see any involvement, any mentioning of the name as being a problem." (pp. 15-16) Magruder, according to Haldeman, said that the people he was going to hurt were Mitchell, Dean and maybe Strachan. Ehrlichman said, "This is probably a golden opportunity"

and the President said, "Right. To find out. . . . You've got to find out what the hell he is going to say.(unintelligible) which is frightening to me, (unintelligible) rather than (unintelligible) " (p. 17)

The President stated that the key witness "there" is Hunt. (p. 18) Ehrlichman said a fellow like Bittman had probably negotiated immunity for himself. Ehrlichman also stated that Bittman was probably going to tell the prosecutors about a lot of conversations he had with a lot of people. Ehrlichman referred to the conversation Bittman had with Colson relating to Watergate. Haldeman said that Colson said that Bittman's recollection of the meeting would be exactly the same as Colson's, but that Bittman may draw conclusions from the conversation. The President asked if this was the clemency conversation and whether Bittman's conclusion would be that the President had offered clemency. Haldeman said that Bittman would conclude that Colson, because of his pull at the White House, would have Hunt out by Christmas. Colson, according to Ehrlichman, said he has a memo of his meeting with Bittman which says exactly what transpired at the meeting. (pp. 19 - 20)

The President asked, "You don't think this would lead to an indictment of Colson do you?" (p. 20) Ehrlichman stated that Dean thinks that everyone "in the place" is going to get indicted. Haldeman commented that Dean said that you could make a list of everyone who is technically indictable in the cover-up operation, and the list would include Mitchell, Haldeman, Ehrlichman, Colson, Dean, Strachan, Kalmbach, Kalmbach's go-between, Kalmbach's source, LaRue, Mardian, O'Brien,

Parkinson, Bittman and Hunt. Haldeman stated that as an example of Dean's incredible analytical thinking, Dean suggested that maybe everyone on the list should take a guilty plea and get immediate clemency. (pp. 20, 21) Ehrlichman said, "No way" and the President said, "It's a shame. There could be clemency in this case at the proper time having in mind the extraordinary sentences of Magruder, etc., etc., but you know damn well it is ridiculous to talk about clemency. They all knew that. Colson knew that. I mean when you talked to Colson and he talked to me." (p. 21)

Ehrlichman posed the question of whether he should arrange to meet with Kleindienst at 5 o'clock in order to "get this thing all wrapped up." The President asked Ehrlichman if it had been decided that "it should be Kleindienst rather than Silbert." Ehrlichman reported that Dean said, "Silbert would ask you to wait a minute and he would step out of the room and he would come back to get you and walk you right into the Grand Jury." Ehrlichman said that Dean believed that "the better out would be to go to Kleindienst who will probably step aside and refer you to Dean," who would tell Petersen that the White House had conducted an investigation and had "collected a bunch of hearsay," not containing "much new" but available if anybody wants it. Ehrlichman said that Petersen would then probably inform Silbert who would say, "I've got more than I can handle here now. We'll wait and interview that guy later." (p. 22) The President and Ehrlichman agreed that the purpose of doing this was to show that the White House had conducted an investigation and turned it over to the Grand Jury and Justice Department before the indictments. (p. 22) The President said he could

then say, "I had ordered an independent investigation at the time McCord had something to say. Right," and "At that time [Ehrlichman] conducted an investigation." (p. 23) Ehrlichman continued by noting that at the time he reported the tentative findings to the President, the President felt that they were sufficiently serious and that rather than hold on to their findings they were turned over to the Department of Justice. (pp. 22-23) Ehrlichman said that it could be said that "you felt that one overriding aspect of the report was that some people evidently were hanging back feeling that they were somehow doing the President a favor. That the President had me personally transmit to them his views that this ought to be a complete open thing; that may or may not have played some part in --," and the President said, "Jeb Magruder's subsequent disclosures to the Grand Jury?" (p. 23)

Ehrlichman told the President that if Mitchell is indicted he would probably be convicted.

Ehrlichman said that he might have Dick and Jeb come over at 5 o'clock to tell them what has been done and to tell them he will reduce the report to typewriting. (p. 24) After some discussion of Mitchell's trial, the President said, "With you here, you men and Dean, without building stars -- well, we have a pretty big bag." Haldeman said, "Right. (unintelligible) his opinion is that they will not reach him. He does not think he is a target and he doesn't think he will be. He thinks he might be but he doesn't think he will and if he's not, that means they are just going to be targeting on the White House." (p. 25)

Ehrlichman said, "Well, I am not so sure of that." Haldeman said, "That's right. He said they may be after bigger targets," and Ehrlichman said, "Yeah. The same names are kind of peeling off, like yours truly." Haldeman said, "I think he is trying to get attention with that John," and Ehrlichman said, "He does believe me." After a discussion of Dean, and whether Magruder would ever testify publicly, instead of just before the Grand Jury, Haldeman said, "This stuff wasn't hanging on any of those things anyway and we just have to face that fact that whatever the story is it is going to be out anyway." Ehrlichman said, "They will have the entire story out, plus probably two other stories that two others guys make up," and that "anything and everything that is said will be believed." (p. 27) Haldeman said, "And at least some of which will be enormously damaging to us." Ehrlichman said, "There would no way --," and Haldeman said, "Not provable, but damaging --," and Ehrlichman said, "No way to deny it." The President then said, "It is terrible when they get such a big bag." (p. 28)

They discussed cooperating with the Senate Select Committee, which the President opposed unless he "could get a resolution of the entire Republican Caucus in the Senate." (p. 29) After a colloquy about whether the Senate Select Committee could call indicted former Administration officials as witnesses, Haldeman suggested that the Ervin Committee was interested less in Watergate and more in the use and misuse of money, its sources and to whom it was disbursed. Ehrlichman reported that Mitchell said that they should establish that the \$350,000 which went from Haldeman to Strachan to LaRue came from the pre-'72 campaign money. Haldeman said that money was delivered from Sloan to Strachan

on April 6, 1972. Haldeman recounted that although there had been \$1,600,000 left over from prior campaigns in 1972, "they convinced me that you don't want a million six . . . because under the new lawsThere isn't that much stuff you can spend on that wouldn't be traceable." Continuing, Haldeman said, "And so somehow a figure of three-fifty was negotiated as being a reasonable figure that . . . would cover what might come up that wouldn't be impossible. . . ."

(pp. 33-34) Thus, Haldeman reported that \$1,300,000 of the left-over funds were contributed to CRP and \$350,000 was retained. "That's the way to argue that," Ehrlichman commented. "That's the way it was," Haldeman replied. (p. 34)

The President said, "We'll take a hell of a beating (unintelligible) in the next thirty days, a lot of heat" (pp. 34-35) for not appearing before the Ervin Committee, and the group discussed how to answer the expected criticism. Haldeman suggested that "there ought to be a way to turn the Grand Jury thing strongly our way, which is that this proves the rightness of the President's approach of full cooperation with the proper processes of justice which is bringing people, even at the highest level, to account." "You (unintelligible) cooperation," responded the President. (p. 36)

Ehrlichman stated that "I have to be unwilling to tell the press what I discovered because of the rights of individuals." (p. 36) He said, "I could prejudice their rights in such a way that they . . . will never get a fair trial." "What's wrong with prejudicing their rights?" asks Haldeman, "Get your indictment, but you don't get anybody in jail." (p. 37) After Ehrlichman rehearsed responding to

reporters' questions on his investigation, apparently referring to their public relations posture, the President said, "It seems to me that a hell of a lot of the issue about do something involves our inability to (unintelligible) back that we're willing to cooperate. That we're willing to waive executive privilege and keeping our people silent." (p. 38) They then discussed positive and negative stories, the use of executive privilege before the Senate Select Committee, making a public statement about Ehrlichman's investigation before that Committee began hearing testimony, and having Haldeman make a statement about the Segretti matter. (pp. 38-48) In the course of the discussion, the President said, "So (unintelligible) what I'm trying to get is how you get his story out." (p. 45)

In the course of discussing certain fund expenditures for advertising in the past, apparently in connection with an ad referred to as "Tell it to Hanoi," Haldeman said he was "scared to death it might be something," apparently referring to "a Colson ad", but he said "it wasn't" according to "(unintelligible)." Ehrlichman said "Mitchell kept lobbing out little tidbits about Colson's operation About sending rioters up to the Capitol steps and other things that he knew about." The President said, "Well, that was separate from all of Mitchell's stuff, though, wasn't it? What Colson did?" Ehrlichman said, "he was saying it's really too bad that all this is coming out because there's so much sordid stuff that will be (unintelligible) to the White House," and the President said, "But sending rioters to the Capitol steps. What do you mean?" Haldeman responded, "They weren't rioters for heavens sake," and the President said, "Well, they named

demonstrators. Why do you tell me?" Ehrlichman said, "No, tell it to John Mitchell," Haldeman said, "I don't think anybody (unintelligible) Colson can (unintelligible) rioters." (pp. 49-50)

The President and Haldeman then put to Ehrlichman potential reporters' questions about his investigation and they discussed a proposed statement by Haldeman which would be keyed to the Senate Select Committee's announcement of the beginning of its hearings. Haldeman would say that it is apparent that it will not hear him soon, so he would like to respond to charges which have been made, including ones relating to Watergate, Segretti and the \$350,000. The President suggested that Haldeman not make countercharges, but respond only to charges then public. And the President said, "Now the only question that you have left is, I suppose, sort of the peripheral (unintelligible) Dean rumbling around here and asking you and Haldeman how about getting us some money for Watergate defendants. Damn. I can't believe it. I can't believe they'd (unintelligible) you for conspiracy if you were asked for that. Maybe they could." Haldeman said, "technically, I'm sure they could. Practically, it just seems awfully remote, but maybe that's wishful thinking." (p. 53)

The President suggested that it would be helpful for Strachan to go back before the Grand Jury and testify as to what the \$22,000 was for. Soon thereafter, Ehrlichman began to leave the meeting, to prepare for a meeting which he had scheduled for 4:00 p.m. that afternoon with Magruder and his attorneys.

Ehrlichman said that he had "probably better get up and get set up for (unintelligible)." Haldeman said "there was something else on Gordon." The President said, "Gordon (unintelligible)," and Ehrlichman said, "I'm supposed to ask Gordon whether it was delivered in pieces?" The President said, "(Unintelligible) forty thousand dollars to (unintelligible) why did he deliver it (unintelligible) actually it was -- it was a large -- that's a large amount of money." Ehrlichman replied, "No, they've already got him on that." The President said, "Oh, that (unintelligible)." (p. 54)

Haldeman explained that his interest at that time was in delivering the money to CRP as quickly as possible. "I don't know what their (unintelligible) was," he said. (p. 55) The President then said, "At the suggestion of (unintelligible) Magruder (unintelligible) everything you can." (p. 55) Apparently as Ehrlichman left the room, the President said, "Just trying to get the facts and that's all there is to it. . . . Be sure you convey my warm sentiments." (p. 55)

Haldeman said that he ought to get Strachan squared away, and the President said, "Sure," "And if he (unintelligible)," Haldeman said. The President replied, "Well, we'll see what this finally comes down to here (unintelligible) I firmly think -- frankly I should say I don't know, but based on what Ehrlichman tells me about (unintelligible) and that removes him from some other things he said. That's what makes (unintelligible) here. (Unintelligible) is the important thing." (pp. 55-56)

Haldeman said, "Well (unintelligible) Dean. I can't understand because it's in his interest, as well as everyone else's, to see the motive grow with loyalty." The President said, "I guess we're not surprised at Mitchell, are we?" Haldeman said, "No. It's party [sic] true." Haldeman said, "What he's saying is partly true. I don't think he did put it together." The President said that Mitchell "shouldn't throw the burden over here, Bob, on you." The President then said, "now, frankly, Colson I understand, Colson certainly put the heat on over there. I don't think John seriously (unintelligible) unless you put them up to this thing." Haldeman responded, "(Unintelligible) I didn't. He knows I didn't. No question of that." (p. 56) The President said, "I should think he knows it. (Unintelligible) himself. So his (unintelligible), huh?" The President said, "You know he'll never -- he'll never (unintelligible). What do you think about that as a possible thing -- does a trial of the former Attorney General of the United States bug him? This damn case!" The President said, "He'll have to take the stand at some points. (unintelligible) all this has happened now," and Haldeman said, "That's exactly the point. He's got no defense witness that can deny it." (p. 57)

The conversation concluded with the President saying that "in one sense, Bob, it's better to (unintelligible) a couple of these small things but it's much better to hand it to the Grand Jury." (p. 57) Haldeman added that that proved that "the President's course was right," and that "the President wasn't covering up. The President was cooperating with the proper place and the proper place has come to the proper result, which is to find out in an orderly manner without tarring innocent people, to find out what's going on." (p. 58)

42. On April 14, 1973 John Ehrlichman met with Jeb Magruder and his attorneys. Ehrlichman informed Magruder and his attorneys that he was conducting an investigation for the President. Magruder and his attorneys discussed with Ehrlichman the information which Magruder had disclosed to the prosecutors earlier that day to the effect that at a meeting in Key Biscayne Mitchell, LaRue and Magruder had participated in an express and specific approval of the plan to break into and bug the DNC headquarters and to bug McGovern headquarters and the Fontainebleau headquarters of the Democratic Convention.

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Mr. DASH. And Mr. Haldeman knew that then, did he not?

Mr. MAGRUDER. I cannot recall in my meeting with him in January whether—yes, I am sure I did discuss those meetings, yes.

Mr. DASH. So the attempt to get together and agree on that meeting was an attempt to get together and agree on at least from your point of view, would be the full story?

Mr. MAGRUDER. That is correct, Mr. Haldeman recommended that Mr. Dean and Mr. Mitchell and I meet, which we did that afternoon.

Mr. DASH. What was the result of that meeting?

Mr. MAGRUDER. I realize that Mr. Dean had different opinions then as to what he would do probably, and so then my—I thought that probably it was more appropriate that even on that Monday that I get separate counsel so that I could get advice independent of the individuals who had participated with me in these activities.

Mr. DASH. In other words, you really could not agree at the meeting with Mr. Mitchell and Mr. Dean.

Mr. MAGRUDER. Well, it was cooperative.

Mr. DASH. What was Mr. Dean's position?

Mr. MAGRUDER. He would not indicate a position.

Mr. DASH. All right. Did there come a time when you did get independent counsel?

Mr. MAGRUDER. Yes, Mr. Parkinson, who was counsel of the committee, recommended Mr. Bierbower and on that Saturday I went to meet him, he was out of the country, and I met him and we agreed, he agreed to be my counsel that Saturday evening.

Mr. DASH. Did there come a time when you decided that you should go to the U.S. attorney's office?

Mr. MAGRUDER. Yes, that is correct.

Mr. DASH. When did you go to the U.S. attorney's office?

Mr. MAGRUDER. We agreed, they discussed the things with the U.S. attorney, I think on April 12 and I saw them informally on April 13 and saw them formally on April 14 on Saturday, April 14.

Mr. DASH. At that time did you tell everything to the assistant U.S. attorneys?

Mr. MAGRUDER. Yes, I cooperated.

Mr. DASH. Who did you meet with?

Mr. MAGRUDER. Mr. Silbert, Mr. Glanzer, and Mr. Campbell.

Mr. DASH. Did you tell them everything you are now telling this committee?

Mr. MAGRUDER. Yes.

Mr. DASH. Did you have a meeting afterward with Mr. Ehrlichman?

Mr. MAGRUDER. Yes, Mr. Ehrlichman called while I was with the U.S. attorneys and asked me would I come over and talk to him about the case. We talked to the U.S. attorneys and they agreed as a courtesy that we should and Mr. Bierbower and the other attorney with Mr. Bierbower and I went to see Mr. Ehrlichman that afternoon.

Mr. DASH. Then, according to that meeting that you had with Mr. Ehrlichman, what happened?

Mr. MAGRUDER. We told him in rather capsule form basically what I told you this morning.

Mr. DASH. All right.

Now, I have just two final questions. I want to go back to the time when you came back from California to Washington, putting you back

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tion of my interview with Mr. Kalmbach which I don't think that I have given to the committee staff; I am not sure.

Senator MONTAÑA. Are you prepared to give it to us?

Mr. EHRLICHMAN. Oh, yes; certainly, certainly.

Senator MONTAÑA. Would you do that?

Mr. EHRLICHMAN. It may be that they have it. That question came up this morning and I don't think we decided for sure.

Mr. DASH. We have a phone call transcription, not an interview.

Mr. EHRLICHMAN. No, no; this is a narrative that I dictated after my interview with Mr. Kalmbach.

Mr. DASH. No; we do not have that transcript.

Mr. WILSON. Did I not give you, Mr. Dash—I think I gave to the U.S. attorney's office less than a one-page memo of a meeting between Mr. Ehrlichman and Mr. Kalmbach on April 6, 1973?

Mr. DASH. No; Mr. Wilson, I have no recollection of that.

Mr. WILSON. We will supply it right now.

Mr. DASH. You may have given it to the prosecutor's office.

Mr. WILSON. Beg pardon?

Mr. DASH. You may have given it to the prosecutor's office but not to this committee.

Mr. WILSON. I always meant to give you the same things, but perhaps I didn't do it.

Mr. DASH. I know you have tried, but if you have it, we would like to have it.

Mr. WILSON. Sure.

Senator MONTAÑA. Who else did you take notes on?

Mr. EHRLICHMAN. Just those that I mentioned this morning, Senator. Do you want me to go through that list again?

Senator MONTAÑA. No; I don't. I merely want you to tell this committee what did you ascertain as a result of these interviews with respect to each of the individuals.

Did they convey to you any indication that they might have been involved in the Watergate affair prior to June 17 or in the coverup after June 17?

Mr. EHRLICHMAN. Yes, sir, they did.

Senator MONTAÑA. All right.

Will you name those names?

Mr. EHRLICHMAN. Yes, sir. I wonder if I could refer to my notes in order to do that accurately?

Senator MONTAÑA. Certainly you may.

Mr. EHRLICHMAN [conferring with counsel]. I had this morning described fully the contents of my interview with Mr. O'Brien, I believe. And also my interview with Mr. Dean. The one which remains, which is responsive to your question, I think, is my interview with Mr. Magruder on April 14 at 4 o'clock in the afternoon. His attorneys, Mr. Sharp and Mr. Bierbower, were with him at the time of the interview and they had just come from an interview with the U.S. attorney. The interview took about, I would guess about 1½ hours, and if you like, Senator, I can just take you quickly through the narrative of what Mr. Magruder told me or I can pick things out, if you are interested in something particularly.

Senator MONTAÑA. Just give me your conclusions from that interview.

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Mr. EHRLICHMAN. The conclusions from the interview were that Mr. Magruder and, according to him, Mr. Mitchell, and Mr. LaRue, participated in an express and specific approval of the plan to break into and bug the Democratic National Committee headquarters. That this was an agreement or an approval which occurred in Key Biscayne at a meeting attended by the three of them, and in addition to that particular project, McGovern headquarters and the Fontainebleu headquarters of the Democratic Convention were likewise to be bugged.

Senator MONTOYA. What date was this, again?

Mr. EHRLICHMAN. This was an interview which I held on April 14, 1973.

Senator MONTOYA. All right; proceed.

Mr. EHRLICHMAN. That, and here you understand, this is what Mr. Magruder is saying to me, I cannot vouch for the truth of this but it is what he reported to me. That the proposal which was approved at that time, had its genesis in a \$1 million proposal which Mr. Dean and Mr. Liddy prepared. I asked him specifically about Mr. Dean because, as I say, I was focusing on White House people, and his description of Mr. Dean's participation in that planning was quite active. Mr. Liddy told Mr. Magruder, he said, that Mr. Dean had authorized the \$1 million figure as the beginning budget level.

Senator MONTOYA. Did you, from your knowledge of the White House and the assignment of Mr. Dean, reach a determination that Mr. Dean had that kind of authority?

Mr. EHRLICHMAN. Oh, no, no, indeed.

Senator MONTOYA. You did not believe that, did you?

Mr. EHRLICHMAN. What Mr. Magruder was telling me?

Senator MONTOYA. Yes.

Mr. EHRLICHMAN. I did not know what to believe at this time, Senator. I was getting so many different hearsay stories from so many different people, I was not trying to evaluate what to believe and what not to believe.

Senator MONTOYA. All right; proceed.

Mr. EHRLICHMAN. He said, he took me through the four meetings in early 1972.

Senator MONTOYA. I believe you testified to that and I do not want to go into repetition.

Mr. EHRLICHMAN. Yes; this is out of Magruder's mouth, and then he said at some point in time he informed Mr. Strachan, who was his primary contact at the White House, that they had an intelligence capability. He said, "I got no problems from Mr. Strachan and so I read that as an OK from higher up."

I asked him whether he had any knowledge of whether anyone higher up than Mr. Strachan in the White House had in fact approved this, and he said he had no knowledge of any higher ups having done so, only—and the only people in the White House that he focused on as having any connection whatsoever with this were Mr. Colson, Mr. Strachan, Mr. Dean, and Mr. Howard.

Senator MONTOYA. May I interject here. What particular authority did Mr. Strachan have vis-a-vis the White House?

Mr. EHRLICHMAN. Mr. Strachan was about a fourth-level White House staffer with almost no authority of his own.

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Apr 14, 1973
4pm

Les Magruder
& 2 attys
Jim Sharp
Jim Bierbauer

9/71 Sandwedge Carl Dean JSM

11/71 Mich Lid Dean
L new man Sandw

12/71 Dean Lid Mag - L counsel

Dean & Lid have proposal
\$1 mil

quite active

L: D said \$1 mil

charts & budgets

4 meet - JSM rejects

4 meet a WK later $\frac{1}{2}$ mil
also rejected

J.D.: shouldn't deal w/ Mich

Lid & JSM - $\frac{1}{4}$ mil
JSM no

CC

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Strachan primary contact

{ copies of bid
{ Talked to JSM

All nervous - Mag Mitch
Strachan

JNM req.

No prob -> Strachan
Read is as OK higher
No knowl of higher ups -

only CC Strachan Dean
Howard

CC called - never said wiretap - "projects"

and
then

La Rue, Mitch & JSM
To Key Biscayne

{ presented Lid last proposal
Approved - conversation -
3 places wrote McGee Fontaine

CC Needed info on L O'Brien

Trip plus other things v.

A "non-decision" ..

Time

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Blackman informed - orally

"Liddy's project
He had budget
"6 bugs @ " etc

Ray's last break in

report - junk

log - ~~synopsis~~ -
talked to JNM about
them -
a lot of junk

Liddy knew of Segretti -

Gregory - Hunt -
Chauffeur another one
Ken Ritz
over to Liddy

Paul Porter - log man -

Synopsis - JNM
had only copy) "for file"

photo of papers -

showed syn to JNM - He called L

2940

chewed him out -

Shitty -

* Strachan saw synopses

"I've got them here"

He may have read them - *

Tried to
kill threat -

5/20

Out to plans -
term > other activities

La Rue -

Strachan - walk back -
needed the op'n -

JM & JM

(bad quality - "I'll take care of
&")

Chen - ph Fleming,
sex

Gl embarrassed
Right up

L on own motion went back in -

2941

CC - Had to get O/B -

Jan 11 p. 11 & 2 last was
talk to L - makes me nervous

Carried gun -

Dean

Howard
& CC
people

activities

lots of Secy's contacted

Not in

ads, pictures

- After Clean - close to Hunt

only for call -

- USA has more -

Reperjured self under immunity

Post June

Dean

Crossed in 11/11 -

Much

A cover story

La Rue

Porter reperjured self

Marden

City.

2942

4/12 Getting ready for 3d GS appearance
JD - leave me out of Rose AG off mfgs
loc "Cancelled" one mfg -
The mil dol mfg -
next mfg = $\frac{1}{2}$ mil
told GS - just elect'n 10 -

JD not in devel
was in on cover story
JD cross-ex me (in diary)
Feeding us GS info to us -
(They know where he got it -)
(Above them)

Dean "destroy diary"
couldn't

money passed -
"The famous list"
1,500,000 dist 9
Cash
La Rue & Hans know of it -

2943

JNM: don't talk -

H = a target
very much so

Implicated only by assoc'n -
offering?

E =
rel. to Dean -

Rosenor - aware / took docs
out of invest.
Powell Moore - The Sat. Events
Kleinman

LaRue - in on Tap -

Mardian in post-
[dist-
many counts

43. On April 14, 1973 the President met with Haldeman and Ehrlichman from 5:15 to 6:45 p.m. Ehrlichman reported to the President on his meeting with Magruder and his attorneys. The President instructed Haldeman to give Strachan a report of Magruder's testimony. There was a discussion of the motive for the payments to the defendants.

In response to the Committee's subpoena for the tape recording and other evidence of this conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

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Senator GURNEY. Now, through this period of time, beginning with that assignment on—is it March 31?

Mr. EHRLICHMAN. Thirtieth.

Senator GURNEY. March 30, were you reporting to the President what you were finding out?

Mr. EHRLICHMAN. I reported to him after I talked with Mr. O'Brien but very briefly on that subject, and I just said: "I am beginning to get a feel for this thing but I have got so much hearsay here I don't think it's worth taking a lot of your time." He said: "You know, what are you finding out?" So I said: "Well he tells me there were these meetings back in the early times when Liddy had this plan, and so on." I took him kind of sketchily through the O'Brien business and I said: "This is hearsay two, three and in some cases four removed," and I said "We cannot move on something of this kind until we find out."

Now, in San Clemente again when we came to this funny conflict between Dean and Mitchell, I mentioned that to him, and I said "We are trying to get to the bottom of it," and two or three times he said "Have you got that figured out yet?" and when we talked on the airplane going back and we talked about Dean going to the grand jury and he said finally "I am not going to wait, he is going to go." He said: "Have you ever figured out what that is," and I said "No, we are going to see Dean. We don't know what that is."

Senator GURNEY. Well, now, did you make a complete report to the President?

Mr. EHRLICHMAN. Yes, sir.

Senator GURNEY. When was that?

Mr. EHRLICHMAN. That was on Saturday morning, April 14.

Senator GURNEY. What did you tell him?

Mr. EHRLICHMAN. Well, I told him basically a narrative of my interviews with these various people starting with O'Brien and running through everybody that is on this list except Mitchell and Magruder whom I had not yet—with whom I had not yet talked and Strachan the second time when I got into the whole question of Bob Haldeman's involvement.

Senator GURNEY. Now, so we can wrap this up and I can release the floor here, did you at that time give him a complete account of Watergate as we know it now, and if you did not, what portions did you not tell him that you didn't know? Perhaps we can get at it that way quickly.

Mr. EHRLICHMAN. Well, I didn't know, for instance, any of the behind-the-scenes business of the money beyond what Paul O'Brien had given me here and a little feel of it that Dean had given me which I think I have just described to you about as well as I can. The subsequent interviews that I had with particularly Magruder that afternoon—you see the outcome of this report to the President was, he said "I want you to talk to Magruder; I want you to talk to Mitchell," and then he also told me he wanted to find out more about Bob Haldeman's involvement. So those three followed that preliminary report and none of the things that I developed from any of them were included in it. When I completed them, then I came back and reported what those three individuals told me and laid that out for him.

Senator GURNEY. And was that a fairly complete account of Watergate?

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Mr. EHRLICHMAN. It included the planning meetings, it included the two entries, and the reasons for going back. It included quite a lot but not the whole story of the coverup by any means.

Senator GURNEY. The fact that there had been one going on without all of the gory details.

Mr. EHRLICHMAN. Right, and obstruction of justice, both from the committee and Mr. Dean's part in it, I am frank to say I did not feel, since the full implication of Mr. Dean's involvement in the aftermath yet at that time.

Senator GURNEY. And what date was that?

Mr. EHRLICHMAN. That was on Saturday, April 14.

Senator GURNEY. What was the President's reaction?

Mr. EHRLICHMAN. That I must immediately advise the Attorney General, which I then did within the hour.

Senator GURNEY. And that was the end of the meeting?

Mr. EHRLICHMAN. Yes; the meetings went on, however, the following day. The President had a long meeting with the Attorney General and Mr. Petersen, who, in turn had had meetings with the prosecutor, then I had another meeting with the President because I had seen Gordon Strachan that morning while the President—Sunday morning—while the President was talking to the Attorney General and Mr. Petersen. So then, I had a further report to give to the President, Sunday following that meeting that he had had.

Senator GURNEY. Can you very briefly tell us the important parts of that?

Mr. EHRLICHMAN [conferring with counsel].

Counsel reminds me that I should say we are advised that the Attorney General had an all-night meeting Saturday night with Mr. Petersen and with the U.S. attorney and the prosecutors and posted himself on things. He then met with the President after church Sunday morning. I met with the President after that. We then had a further meeting later on that Sunday, I had one or two meetings, I forgot which, I got home and was told to turn around and come back so we had another Sunday night meeting at which the President went over and over this information and I think it was at that time that I called Mr. Gray and discovered the documents had been destroyed and so we went over that at length and implications of that and I had further conversations with the Attorney General, I guess, the next morning but this went on over a period of about 4 days, Friday, Saturday, Sunday, Monday.

Senator GURNEY. Then, it was April 17 that the President issued his statement that he was aware of new developments in Watergate?

Mr. EHRLICHMAN. Yes, sir.

Senator GURNEY. I think I had better stop there. Thank you, Mr. Ehrlichman.

Thank you very much, Mr. Chairman.

Senator ERVIN. The committee will stand in recess until 2 o'clock.

[Whereupon, at 12:20 p.m., the committee was recessed, to reconvene at 2 p.m., this same day.]

43.2 PRESIDENT NIXON DAILY DIARY, APRIL 14, 1973, EXHIBIT 19,
IN RE GRAND JURY, MISC. 47-73

THE WHITE HOUSE		PRESIDENT RICHARD NIXON'S DAILY DIARY (To Travel Record for Travel Activity)		DATE (Mo., Day, Yr.) APRIL 14, 1973
PLACE DAY BEGAN THE WHITE HOUSE WASHINGTON, D.C.		PHONE P=Placed R=Received		TIME DAY 7:55 a.m. SATURDAY
TIME				ACTIVITY
In	Out	Lo	LD	
7:55	8:02			The President motored from the South Grounds of the White House to the office of his dentist, Dr. William O. Chase, 1302 18th St., N.W.
8:02	8:35			The President met with Dr. Chase.
8:35	8:42			The President motored from Dr. Chase's office to the South Grounds of the White House.
8:44				The President went to his office in the EOB.
8:47	8:49	P		The President talked with his Special Assistant, Stephen B. Bull.
8:54	8:56	P		The President talked with Secretary of Defense Elliott L. Richardson.
8:55	11:31			The President met with: John D. Ehrlichman, Assistant H. R. Haldeman, Assistant
9:00	11:30			
10:49	10:50	P		The President talked with Mr. Bull.
11:32	12:30			The President met with: Henry A. Kissinger, Assistant Gen. Alexander M. Haig, Jr., Army Vice Chief of Staff
11:32	12:02			
11:33	11:34	P		The President talked with Mr. Bull.
12:53	12:54	P		The President talked with Mr. Bull.
1:52				The President went to the Oval Office.
1:55	2:13			The President met with Mr. Haldeman.
2:13				The President went to the South Grounds of the White House.
				The President greeted tourists being escorted by the First Lady on a tour of the White House gardens. Included in the group were Mayor Walter E. Washington (D-Washington, D.C.) and winners of a poster contest sponsored by the Society for a More Beautiful National Capital, Inc. For a list of poster contest winners, see APPENDIX "A." Members of the press, in/out White House photographer, in/out
2:23				The President, accompanied by his Press Secretary, Ronald L. Ziegler, returned to the Oval Office.

43.2 PRESIDENT NIXON DAILY DIARY, APRIL 14, 1973, EXHIBIT 19,
IN RE GRAND JURY, MISC. 47-73

WHITE HOUSE		PRESIDENT RICHARD NIXON'S DAILY DIARY		(See Travel Record for Travel Activity)	
PLACE DAY BEGAN				DATE (Mo., Day, Yr.)	
THE WHITE HOUSE WASHINGTON, D.C.				APRIL 14, 1973	
				TIME	DAY
				2:23 p.m. SATURDAY	
TIME		PHONE P=Placed R=Received		ACTIVITY	
In	Out	Lo	LD		
2:23	2:24			The President met with Mr. Ziegler.	
2:24	3:55			The President met with: Mr. Haldeman Mr. Ehrlichman	
3:55				The President went to his office in the EOB.	
4:58	4:59	P		The President talked with the First Lady.	
5:15	6:45			The President met with: Mr. Haldeman Mr. Ehrlichman	
5:41			R	The President was telephoned long distance by Senator Robert Dole (R-Kansas) in Salina, Kansas. Mr. Bull took the call.	
5:45			R	The President was telephoned by his daughter, Julie. The call was not completed.	
6:08	6:09		R	The President talked with his daughter, Julie.	
8:11				The President returned to the second floor Residence.	
8:58	9:04			The President and the First Lady motored from the White House to the Washington Hilton Hotel.	
				The President and the First Lady were greeted by: Edgar A. Poe, correspondent for the <u>New Orleans Times-Picayune</u> and outgoing President of the White House Correspondents' Association Ted Knap, correspondent for Scripps-Howard Newspaper Alliance and incoming President of the White House Correspondents' Association	
				The Presidential party went to the head table in the International Ballroom.	
				The President and the First Lady were guests of honor at a dinner hosted by the White House Correspondents' Association. Mr. Knap presented the President with a sterling silver replica of an 18th century globe crafted by Williamsburg silversmiths. For a list of other head table guests, see <u>APPENDIX "B."</u> Members of the press, in/out White House photographer, in/out	

WHITE HOUSE				PRESIDENT RICHARD NIXON'S DAILY DIARY	
				(See Travel Record for Travel Activity)	
PLACE DAY BEGAN				DATE (Mo., Day, Yr.)	
THE WHITE HOUSE				APRIL 14, 1973	
WASHINGTON, D.C.				TIME	DAY
				9:04 p.m. SATURDAY	
TIME		PHONE P=Placed R=Received		ACTIVITY	
In	Out	Lo	LD		
				The President returned to his limousine. He was accompanied by: The First Lady Mr. Poe Mr. Knapp	
10:20	10:26			The President and the First Lady motored from the Washington Hilton Hotel to the South Grounds of the White House.	
10:28				The President and the First Lady returned to the second floor Residence.	
11:02	11:16	P		The President talked with Mr. Haldeman.	
11:20		P		The President telephoned Mr. Kissinger. The call was not completed.	
11:22	11:53	P		The President talked with Mr. Ehrlichman.	
For a record of the President's activities after midnight, see the Daily Diary for April 15, 1973.					

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

April 14, 1973, 5:15 p.m. to 6:45 p.m.

On April 14, 1973, the President met with Haldeman and Ehrlichman from 5:15 to 6:45 p.m. The White House edited transcript begins with a notation that "Material unrelated to Presidential Actions" was deleted. (p. 1) Ehrlichman said that he had talked to Magruder and his lawyers following their conference with the U. S. Attorney, and that Magruder voluntarily gave Ehrlichman his whole testimony. Haldeman said that he "talked about the case in the most coherent way we've ever had." Ehrlichman said, "this has the ring of truth about it" and he was a convincing witness. (p. 1) Haldeman commented that it "is not in conflict with anything else you've got, and almost totally corroborates everything else you've got except you get to the end of it this time." (p. 2)

Ehrlichman related Magruder's testimony to the President:

"This all starts" with the contrivance of Operation Sandwedge by Dean, Caulfield and Magruder in September, 1971. Dean subsequently approved of Liddy, who formulated proposals for intelligence operations, the first two of which were rejected by Mitchell. Liddy then developed a "quarter million dollar" proposal in writing with a budget, but Magruder wasn't satisfied with it. "Finally, Colson called with Liddy and Hunt in his office -- talked vigorously." He (apparently Magruder) finally said, "Well all right, I'll start this moving." There is an indication that someone "was insisting upon . . . information on Larry O'Brien. That was the thing he called about and that was the thing he had been driving at."

Magruder and LaRue went to Key Biscayne "around the end of March," to present the proposal to Mitchell. "It involved bugging three places -- Watergate, McGovern Headquarters and the Fontaine Bleau[sic]...In the conversation, Mitchell orally approved it. . . .He said... 'Nobody felt comfortable in this thing but we were sort of bull-dozed into it.'" The President said, "By Colson?" Ehrlichman replied, "That's the inference." (pp. 2-4)

As for Strachan's involvement, Magruder had furnished Strachan a copy of the written budget for the "quarter million dollar" proposal which was "very specific in terms of the kinds of equipment to be used." He informed Strachan orally that he was going ahead with it, and said, "'I read his non-response as OK from higher-up. I am not able to say of my own knowledge that there was any knowledge of anyone higher-up.'" (pp. 3-5)

The results obtained from the first break-in were "junk." Magruder sent Mitchell "a synopsis of the pictures." Mitchell thought it was so bad he called Liddy and "chewed him out." Liddy told Mitchell he would "take care of it," and the next break-in "was entirely on Liddy's own notion," without the knowledge of Magruder or Mitchell. Magruder told Strachan about the synopses;[h]e may have come over and read them." Haldeman interjected that Strachan told him, "'I stopped reading the synopses, and they were -- we had 'em here.'" (pp. 5-6)

Magruder gave Ehrlichman the names of those in the White House who were "involved in this whole thing." Ehrlichman said Magruder told

him that "Dick Howard, some of Colson's people, and a lot of the secretaries in the EOB, have various information about a lot of different projects, they had pickets -- all kinds of things that will come pouring out in the process of this whole thing." Magruder said no one else was involved in the burglary. (pp. 6-7)

With respect to Colson, Magruder said, "'The U. S. Attorney is hot after Colson''"; they knew he was close to Hunt but the only thing Magruder knew they had on him was the phone call to Magruder. Magruder's lawyer also told Ehrlichman that the U. S. Attorney told him that "'Hunt had re-perjured himself with respect to Colson' -- when he was called back in under immunity and testified as to the break-in, and the capture of the burglars, and the cover-up." (p. 7)

With respect to the cover-up, "Dean devised [sic] a cover story, in concert with these other people, and enlisted Bart Porter who went to the Grand Jury and perjured himself in concert with the cover story." Dean prepared Magruder and others for Grand Jury testimony, and leaked Grand Jury information to people at CRP. (Ehrlichman said that the U. S. Attorney knew Dean did so, that it was illegal, and he assumed Dean got it from Henry Petersen.) \$1,500,000 in cash was distributed; it went to persons on "'the famous list,'" and LaRue and Stans knew about it. (Ehrlichman said that he would check his notes with O'Brien and "O'Brien may have told me about that.") The three fifty was a part of that. Magruder said that Mitchell told him, "'Don't talk.'" (pp. 7-8)

With respect to the implication of others: "Haldeman's very much a target of the U. S. Attorney. So far they indicated that he was implicated only by association with other people -- meaning Strachan presumably;...[a]nd LaRue, of course, and Mardian, largely on obstruction. They are developing many counts of obstruction of justice." One of Magruder's attorneys told Ehrlichman that "he did not think they had anything" (apparently on Haldeman), that "'this thing is rapidly deteriorating,'" but that "'[i]n all of this I don't see any evidence of the involvement of the President.'" (pp. 9-10)

Ehrlichman proposed that he tell Kleindienst that Magruder had just disclosed to him what Magruder told the U. S. Attorney, that Ehrlichman really had nothing to add, but that he did want Kleindienst to be aware of the work that was done and of his meetings with Magruder and Mitchell. Haldeman added that Ehrlichman should tell Kleindienst that the purpose of his meetings with Mitchell and Magruder was "to make the point to them that they should not go on -- on the misguided assumption that that was for the Presidency..." (pp. 10-11)

The President and Haldeman decided that Strachan, who was going before the Grand Jury in two days, should "be given this information so he doesn't perjure himself." Haldeman said he didn't think Strachan had testified on any of this so he didn't have any perjury problem. Haldeman said, "What he has to do is prove the defense that --," the President added, "Meets these points." Haldeman said Strachan could "keep himself as an office boy, which is what he was," and described how Strachan might

testify. Ehrlichman interjected, "I think Gordon knows how to deal with that if you give it to him." (pp. 11-12)

Haldeman said, discussing Magruder's story, "When he got down to it, he told the truth. And when he is talking about us, at least, he is bringing us into it." Haldeman said that Magruder's testimony might involve him "by indirection" in meetings concerning Sandwedge and the Liddy Plan, but that when he (apparently Dean) came to Haldeman after "that second meeting," Haldeman had said, "'It can't be done . . . John, get out of it. You stay out of this, too' . . . and I suspect he did." (p. 13)

Haldeman further said that he was not uncomfortable with "the three fifty," but Dean is. Ehrlichman said he thought the U. S. Attorney's office was "after Colson, you, me and by me, I say to the highest level provable -- objective." (pp. 13-14)

The President said he thought that McCord's testimony at the Ervin Committee would prejudice the cases of the defendants, and asked about "negotiations with Ervin on Monday." (p. 15)

At this point, Ehrlichman made a telephone call to Kleindienst.

Following Ehrlichman's telephone conversation with Kleindienst, the President asked Ehrlichman about Colson. Ehrlichman responded that "Magruder doesn't lay a glove on him."

"But he says they're hot after him," the President said. "Of course the only thing They [sic] would be hot after him is on the -- ah -- Hunt." Ehrlichman said, "His connection with Hunt." He explained that their premise apparently was, according to their lawyers, that everything Hunt knew, Colson knew. The President said that therefore they would try to get Hunt in and "lay a glove on Colson." Haldeman said, "It would be Colson's role (unintelligible)." Ehrlichman said that Kleindienst said, for reasons, that "I have to be very careful about who I communicate with, for the next little while." The President said, "OK." Ehrlichman continued that Kleindienst wanted him to meet with Henry Petersen the next day, that Ehrlichman was possessed of information establishing the commission of a crime. "And I've got to be darn careful about who I talk to." (p. 21) Ehrlichman said that Kleindienst "wishes we'd get a special prosecutor," but Ehrlichman thought "it would be very bad." The President asked him to tell that to Kleindienst, and said, "I have just decided against it." Ehrlichman agreed. (p. 22)

They discussed the possibility of Kleindienst's resigning. The President asked, if he did resign, if they might appoint Sneed or "our friend over at HUD." The President said, "Ehrlichman should get out the facts that he has made this investigation, that we weren't drug kicking and screaming into this thing. I don't know." Ehrlichman said that he might have a legal problem and would talk to Kleindienst the next day. The President said, "Yeah -- it may be a real problem." (p. 23)

They discussed what Ziegler should say about Mitchell's visit to the White House, and whether the Ervin Committee hearings might be anti-climactic if "the big fish have been indicted." The President urged

Haldeman to get a statement out fairly soon, adding, "I've got to get some appearance of cooperation." (pp. 23-24)

The President then said, "what do you do about Dean." Haldeman asked if Magruder guessed Dean would be indicted. Ehrlichman stated that "Magruder does not link Dean with the break-in and the bugging.

...And he is not a participant in the Liddy, Magruder quarter-million -- take it to Florida -- plan." The President responded that "They get him for the aftermath . . . and the obstruction." (pp. 24-25)

There is a discussion of the possible implication of Colson, and Ehrlichman described someone (apparently Magruder) as "Completely relaxed in this. A smile on his face," and having said, "I hope this isn't going to be for too long." The President said, "It's the right thing. We all have to do the right thing. Damn it! We just cannot have this kind of a business, John. Just cannot be." Haldeman said, "According to Magruder -- Magruder said the same thing. Of course, they think I'm just more trapped --." The President said, "I think Mitchell is beyond belief or do you think (unintelligible)." (p. 26)

There followed brief remarks about LaRue, Liddy and Dean. The President asked whether "the Haldeman statement" should be made now, and "[w]hat does he say of Haldeman?" Ehrlichman said he suspected Strachan was not going to corroborate anything. The President urged Haldeman to "get it out." Haldeman expressed reservations about being "out front." (pp. 26-27)

The President said, ". . . we'll take all the people, any members of the White House staff, with . . . any executive privilege waived reserved to be decided in executive session. How does that sound to you?" Ehrlichman replied that every question of White House staff members should be subject to objection for executive privilege. (pp. 27-28) They discussed letting Dean testify in executive session. Haldeman suggested that "Dean may be into this where they can't call him anyway." (p. 29)

There followed a discussion which apparently concerned the public relations aspects of the Grand Jury and Ervin Committee proceedings. (pp. 30-32)

Haldeman said that if the situation was going to get worse, then maybe the President had to do something. If this was as bad as it was going to get, Haldeman said, "maybe you're better off not doing anything," but if it was going to get worse, "if you think you're going to swing," then the Republican House would meet and pass a resolution, probably a unanimous resolution, "calling on the President." The President said, "I think it's very close to that right now. I think this would trigger it, without question. They would be so horrified about that --." Haldeman said, "Could be." Some would say, according to Haldeman, "Well, thank God, it's all been cleared up now. Let's forget all this other --" and some would say, "It's now clear the White House wasn't involved, And thank God they weren't. And it's clear the President wasn't involved and thank God he wasn't. It's a tragedy that that great man, John Mitchell, was."

The President replied, "Except that you've got a fair chance that Dean will go. A fair chance that someone will break." Ehrlichman said that he would "spotlight it as the umbilical cord at the White House and the Committee" and the question would be what was the other end of the umbilical cord. The President said, "Then, you don't think -- You don't think there's much -- Dean, no, Dean's high enough." Haldeman responded by saying, "The believable mess of it is being answered by this. 'There is -- somebody higher than Gordon Liddy had to have agreed to spend a quarter of a million dollars to bug the Democratic National Committee.'" "Now you've got that somebody," said Ehrlichman. "That's Mitchell," said the President. Haldeman continued, "Now that you've got somebody who was, you've got a believable case where you can now say, 'Well, so there was some other stuff going on but this was where the problem was.'" The President said, "I don't know what the stink --." Haldeman said, "Maybe the answer --." (pp. 32-34)

The President stated that he would like to get Segretti out in their formal announcement and apparently suggested mentioning Haldeman in connection with Segretti. Haldeman said, "The Ziegler or Kissinger view is very strongly that that's what I shouldn't do." The President added that such an announcement would likely cause "several other Republicans and the like" to call for Haldeman's resignation. Haldeman said that the President would have to decide if Haldeman should resign, but that "the problem with that is if I go on the basis of the Segretti matter, you've got to let Dean go on the basis of his implication, which is far worse." (pp. 34-36)

Haldeman also stated that "if he's [apparently Dean] going to ring Ehrlichman in, you are going to have to let him go." Ehrlichman responded that he might implicate Ehrlichman in Kalmbach's raising money to keep the defendants "on the reservation," but that Ehrlichman did not refer Dean to Kalmbach. Rather Dean "came to me and said, 'May I go to Kalmbach.'" The President said, "With that they could try to tie you and Bob in a conspiracy to obstruct justice." (pp. 36-37)

The President asked, referring to the aftermath, "if you or Bob were asked, what do you say?" Ehrlichman replied that he was concerned about persons who "could go out, sell their stories to one magazine or another . . . particularly Hunt who is kind of an author type and would be inclined to do that kind of thing." And, said Haldeman, that was no part of who was or wasn't guilty or where the thing led. The President said, "I see." Haldeman said, "That's exactly right. We aren't protecting anybody." "I'm even willing to buy that," Ehrlichman said. Haldeman said he knew and he said that to John and John didn't agree with him. "I wish we could keep Dean away from that," the President said. (p.38)

The discussion apparently turned to public relations, the Ervin Committee, and Haldeman's statement. Then Haldeman responded that "Magruder or somebody" would likely call for Haldeman's resignation for hiring Segretti, and that he would not like to resign, but was willing to do so "without creating any sticky problems." (pp. 38-40) A policy concerning resignations and leaves for those accused was discussed. (pp. 40-41)

There followed a discussion of the arrangements with Ervin.

The President stated that Ehrlichman should "meet with Ervin and cut the deal and then even though there isn't much of a compromise. You could say 'We worked on a compromise under which there is an executive session.'"

The President continued, "Dean in Executive session is a very nice way to cut a loss, huh?" and said, "We put a story out which will keep the enemy a little cool for a while, huh?" (p. 42)

They then discussed the timing of the statements by the President, Haldeman and Ehrlichman. (p. 43)

The President told Haldeman that Haldeman's problem was Strachan, not Segretti. Haldeman said, "I've got to cover myself on the Strachan thing . . . this guy -- should not be built up as a central figure, nor should I start to explain his every action. I can't. Some of his actions were obviously carried out unilaterally." (pp. 43-44)

The President said that he thought "some of Magruder's stuff could be pretty lively," and that he thought "it's probably basically true." He asked how you remember that far back. Haldeman said you couldn't be that precise, and the President agreed, saying "[y]ou remember the things that you want to remember, pretty much." Haldeman said that was especially so "when you've lived through a whole series of varying, very heated drives [sic] . . . [l]ike he has." The President said that "You've got to remember" that Magruder would be "potent" as a witness, and Haldeman said Strachan would be "a strong witness too." The President said, "And they will say, 'And who's going to lie? I mean, here's a guy who has a record of lying. He lied. Are you going to take his word against Strachan who did not lie. He came back to the U.S. Attorney.'"

Haldeman said that they could produce people around here who could give five different stories Magruder had told. (pp. 44-45)

The President asked what Colson was going to be doing, and Ehrlichman said that he was undoubtedly sending all kinds of signals to Hunt. (P. 45)

The President said that it would soon be different, sooner than they thought. He continued, "[T]he thing about all this that has concerned me is dragging the damn thing out. Dragging it out and being -- and having it be the only issue in town. Now the thing to do now, have done. Indict Mitchell and all the rest and there'll be a horrible two weeks -- a horrible, terrible scandal, worse than Teapot Dome and so forth. And it isn't -- doesn't have anything to do with Teapot." The President said, "I mean there is no venality involved in the damn thing, no thievery or anything of that sort of thing. Nobody got any papers." Ehrlichman said, "Yeah. That's true." Haldeman said, "Glad to hear it." The President said, "The bad part of it is the fact that the Attorney General, and the obstruction of justice thing which it appears to be. And yet, they ought to go up fighting, in my view, a fighting position on that. I think they all ought to fight. That this was not an obstruction of justice, we were simply trying to help these defendants." Ehrlichman said, "I agree. I think it's all the defendants, obviously." The President said, "I know if they could get together on the strategy. It would be pretty good for them." Ehrlichman said, "Well, I think, undoubtedly, that will shake down." (pp. 46-47)

44. On April 14, 1973, at approximately 6:00 p.m. and during the meeting specified in the preceding paragraph, Ehrlichman telephoned Kleindienst. Ehrlichman told Kleindienst that he had been conducting an investigation for the President. There was a discussion of what Ehrlichman should do with the information he had uncovered. Kleindienst has testified that Ehrlichman told him that the testimony that Magruder had given to the U. S. Attorneys would implicate people high and low in the White House and in the campaign committee. The President has produced an edited transcript of this conversation. According to this transcript Ehrlichman stated that the information provided by Magruder implicated people up and down in the Committee to Re-elect; and, when Kleindienst asked who Magruder implicated besides himself and Mitchell, Ehrlichman answered Dean, LaRue, Mardian and Porter.

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Senator GURNEY. Now, through this period of time, beginning with that assignment on—is it March 31?

Mr. EHRLICHMAN. Thirtieth.

Senator GURNEY. March 30, were you reporting to the President what you were finding out?

Mr. EHRLICHMAN. I reported to him after I talked with Mr. O'Brien but very briefly on that subject, and I just said: "I am beginning to get a feel for this thing but I have got so much hearsay here I don't think it's worth taking a lot of your time." He said: "You know, what are you finding out?" So I said: "Well he tells me there were these meetings back in the early times when Liddy had this plan, and so on." I took him kind of sketchily through the O'Brien business and I said: "This is hearsay two, three and in some cases four removed," and I said "We cannot move on something of this kind until we find out."

Now, in San Clemente again when we came to this funny conflict between Dean and Mitchell, I mentioned that to him, and I said "We are trying to get to the bottom of it," and two or three times he said "Have you got that figured out yet?" and when we talked on the airplane going back and we talked about Dean going to the grand jury and he said finally "I am not going to wait, he is going to go." He said: "Have you ever figured out what that is," and I said "No, we are going to see Dean. We don't know what that is."

Senator GURNEY. Well, now, did you make a complete report to the President?

Mr. EHRLICHMAN. Yes, sir.

Senator GURNEY. When was that?

Mr. EHRLICHMAN. That was on Saturday morning, April 14.

Senator GURNEY. What did you tell him?

Mr. EHRLICHMAN. Well, I told him basically a narrative of my interviews with these various people starting with O'Brien and running through everybody that is on this list except Mitchell and Magruder whom I had not yet—with whom I had not yet talked and Strachan the second time when I got into the whole question of Bob Haldeman's involvement.

Senator GURNEY. Now, so we can wrap this up and I can release the floor here, did you at that time give him a complete account of Watergate as we know it now, and if you did not, what portions did you not tell him that you didn't know? Perhaps we can get at it that way quickly.

Mr. EHRLICHMAN. Well, I didn't know, for instance, any of the behind-the-scenes business of the money beyond what Paul O'Brien had given me here and a little feel of it that Dean had given me which I think I have just described to you about as well as I can. The subsequent interviews that I had with particularly Magruder that afternoon—you see the outcome of this report to the President was, he said "I want you to talk to Magruder; I want you to talk to Mitchell," and then he also told me he wanted to find out more about Bob Haldeman's involvement. So those three followed that preliminary report and none of the things that I developed from any of them were included in it. When I completed them, then I came back and reported what those three individuals told me and laid that out for him.

Senator GURNEY. And was that a fairly complete account of Watergate?

Mr. EHRLICHMAN. It included the planning meetings, it included the two entries, and the reasons for going back. It included quite a lot but not the whole story of the coverup by any means.

Senator GURNEY. The fact that there had been one going on without all of the gory details.

Mr. EHRLICHMAN. Right, and obstruction of justice, both from the committee and Mr. Dean's part in it, I am frank to say I did not feel, since the full implication of Mr. Dean's involvement in the aftermath yet at that time.

Senator GURNEY. And what date was that?

Mr. EHRLICHMAN. That was on Saturday, April 14.

Senator GURNEY. What was the President's reaction?

Mr. EHRLICHMAN. That I must immediately advise the Attorney General, which I then did within the hour.

Senator GURNEY. And that was the end of the meeting?

Mr. EHRLICHMAN. Yes; the meetings went on, however, the following day. The President had a long meeting with the Attorney General and Mr. Petersen, who, in turn had had meetings with the prosecutor, then I had another meeting with the President because I had seen Gordon Strachan that morning while the President—Sunday morning—while the President was talking to the Attorney General and Mr. Petersen. So then, I had a further report to give to the President, Sunday following that meeting that he had had.

Senator GURNEY. Can you very briefly tell us the important parts of that?

Mr. EHRLICHMAN [conferring with counsel].

Counsel reminds me that I should say we are advised that the Attorney General had an all-night meeting Saturday night with Mr. Petersen and with the U.S. attorney and the prosecutors and posted himself on things. He then met with the President after church Sunday morning. I met with the President after that. We then had a further meeting later on that Sunday, I had one or two meetings, I forgot which, I got home and was told to turn around and come back so we had another Sunday night meeting at which the President went over and over this information and I think it was at that time that I called Mr. Gray and discovered the documents had been destroyed and so we went over that at length and implications of that and I had further conversations with the Attorney General, I guess, the next morning but this went on over a period of about 4 days, Friday, Saturday, Sunday, Monday.

Senator GURNEY. Then, it was April 17 that the President issued his statement that he was aware of new developments in Watergate?

Mr. EHRLICHMAN. Yes, sir.

Senator GURNEY. I think I had better stop there. Thank you, Mr. Ehrlichman.

Thank you very much, Mr. Chairman.

Senator ERVIN. The committee will stand in recess until 2 o'clock.

[Whereupon, at 12:20 p.m., the committee was recessed, to reconvene at 2 p.m., this same day.]

are, it just didn't come up. I know if he had told me that I would have specifically directed him not to do so.

Mr. THOMPSON. Mr. Kleindienst, when Mr. Ehrlichman called you on April 14, did he discuss the fact that he was conducting or had conducted his own investigation?

Mr. KLEINDIENST. Yes, he did, and based upon revelations made here, I assume that is one of the calls that was taped. On Saturday afternoon, April 14, I was again out at the Burning Tree Club. I want to tell the chairman that I only play golf on Saturday and I don't do it on Sunday, and a lot of these meetings occurred on Saturday. So I don't want you to think I am completely profligate.

Senator ERVIN. The chairman had to observe that he, the chairman, has never had a golf stick in his hand, he has had too many other things to do.

Mr. KLEINDIENST. I feel sorry for you, Mr. Chairman.

Well anyway, back at Burning Tree: About 3:30 in the afternoon, I got a call from Jan Hruska, Miss Hruska, who is Mr. Ehrlichman's secretary, and she said, "Mr. Kleindienst, Mr. Ehrlichman is going to want you to come down to the White House and see him this afternoon." And I said, "Jan, that is all right with me if I can come down right now because I am going to the White House correspondents' dinner and I have to be at a reception at 6 o'clock and if it is going to be delayed I will not be able to come down." She said, "I will call you right back." A couple of minutes later she called me right back and said, "Where can you be on the telephone at 5:30?" and I said, "I will be at home." She said, "Fine, Mr. Ehrlichman will call you at home at 5:30 p.m." I rushed home from Burning Tree, changed my clothes, and was dressed, ready to go to be there by 6 p.m., so after I talked with Mr. Ehrlichman I could make my 6 o'clock reception.

Mr. Ehrlichman started out, and again, I think he said, "General," but I am not sure, I would like to see the tape of it.

"General, I have been meaning to call you and give you a report but I have been too busy and I haven't been able to do it, but I have got a report to make to you," and I said, "What is that, John?" He said, "I have been conducting an investigation for the President with respect to the possible involvement of White House and campaign personnel in the Watergate situation for the past couple of weeks." And I said, "John, you mean you have been interrogating people with respect to their conduct?" And he said, "Yes, I have," and I think I remember saying, "John, have you talked to anybody who indicated to you that they might have been involved in criminal conduct," and he said, "Yes, that is true." And I said, "John, you want to be very careful; that kind of information should go to the FBI, and if you don't turn it over to the Department of Justice you might find yourself in a situation where you might be an accessory after the fact or obstruction of justice."

My purpose was to try to help Mr. Ehrlichman out and give an indication of what the law was and what can happen if you do certain things. He said, "Well, it doesn't really make any difference any more," and I said, "Why not, John," and he said, "Mr. Magruder has been over here at the White House this afternoon and telling us that he has been meeting with the U.S. Attorney's Office and giving them testimony and evidence that would implicate people high and low in the White House and in the campaign committee." I think I might

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have uttered some fantastic indication of surprise and then he abruptly terminated the call, as I remember it, by saying, "Have a good time at the White House correspondents' dinner," and the phone went down.

Needless to say, I didn't particularly enjoy the dinner. Some time that evening I got hold of Mr. Petersen and told him that I had to see him, and this is one aspect of this that I am not precise about.

My wife keeps telling me that I called Henry Petersen first, and I always believed that he called me. But in any event, I left the White House correspondents' dinner early. I usually stay, it gives me an opportunity to gig back members of the press after they have been giggling me all year. And I have so many friends among them. In any event, I decided to leave early. When I got home, I had a conversation with Henry, and he said, "It is important that we get together with you tonight." That was around 12 o'clock. I live out in McLean. He and Titus and Silbert were there by 1 o'clock in the morning.

Mr. THOMPSON. Did you ever have any other conversation with Mr. Ehrlichman as to the findings of his investigation?

Mr. KLEINDIENST. No.

Mr. THOMPSON. Did you ever find out what he in fact reported to the President?

Mr. KLEINDIENST. No. He opened the conversation up by saying that I have been meaning to call you before now, which would indicate that he had intended to do so but hadn't.

Mr. THOMPSON. Your conversation with Titus, and Silbert, and Petersen, was it about 4 hours, from 1 in the morning to about 5 o'clock?

Mr. KLEINDIENST. Yes, sir.

Mr. THOMPSON. Did they tell you the substance of what Magruder and Dean had been telling them, telling the U.S. attorney?

Mr. KLEINDIENST. Yes, sir, and I got some of my wife's personal stationery and made rather copious notes of what they told me so I could report it to the President the next day.

Mr. THOMPSON. Can you recount to us briefly what they told you at that time?

Mr. KLEINDIENST. Well, they in effect summarized the testimony or statements or purported statements of Magruder and Dean, which in one way or another would implicate Mr. Mitchell, Mr. LaRue, themselves, Mr. Haldeman, Mr. Ehrlichman, Mr. Mardian, you name it. It was a very lengthy meeting. This is the first time since June 17, 1972, that anybody had given me any credible evidence that any of these people were involved in any way in either the coverup or that incident.

Two of those men are two of the closest friends I have had in my life and I think one of the things I did that night, I wept. But it was a long meeting, Mr. Thompson, and it was a comprehensive meeting and I made comprehensive notes of what occurred.

Mr. THOMPSON. Do you recall if they told you that Mr. Dean at that time had made allegations against the President concerning Presidential coverup?

Mr. KLEINDIENST. No.

Mr. THOMPSON. They did not?

Mr. KLEINDIENST. They said Mr. Magruder was not looking for immunity and Mr. Dean was bargaining with his attorney for immu-

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85 1 meeting with Mr. Colson and Mr. Shapiro?

2 A If it's on the log, I did. If it isn't, I didn't.

3 I don't know. It would have been in my office.

4 Q On April 14th, you've testified that you called Mr.
5 Kleindienst and gave him a report on your investigation.

6 A Well, yes, that's true.

7 Q What did you tell him?

8 A I told him that I had conducted it.

9 Q Did he know at that time that you were conducting
10 an investigation?

11 A He knew I was going to because I had talked to him
12 on the 31st of the previous month. I didn't give him the
13 results of it.

14 I told him I had just talked with the President at
15 length about it, that I was available to him should he want
16 any of the information that I had; that I had just talked with
17 Magruder and Mitchell, I believe, and that from what I had
18 heard and what I had reported to the President, that Mr.
19 Mitchell, at least according to Magruder, was directly and
20 seriously implicated in the break-in.

21 Q Mr. Mitchell was?

22 A Yes, and that the President wanted me to call and
23 say that to him, and say that I was available should he wish
24 any of the other information I had.

25 Q Did you instruct Mr. Kleindienst to do anything?

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86 1 A No, I don't believe so.

2 Q Did you suggest that he do anything?

3 A I don't know whether I told him that the President
4 wanted to meet with him, or whether the President told him.
5 But that was arranged around that same period of time.

6 Q But you don't recall that it was arranged through
7 your telephone call to Mr. Kleindienst on that day?

8 A It may have been, or I may have just handed the
9 phone to the President. I made the call in the President's
10 office. I may have just handed him the telephone.

11 Q Did you use the President's telephone, his personal
12 telephone?

13 A Yes, one of them.

14 Q I assume that would have been taped.

15 A I don't know. The room, I understand, is taped so
16 that my end would be taped anyway. I used the telephone over
17 by the couch. I don't know whether that's one of those that's
18 in the system or not over there.

19 Q So you did not tell Mr. Kleindienst any of the
20 underlying facts, or any facts at all which you had learned
21 in your investigation, except that you did tell him your con-
22 clusion that Mr. Mitchell evidently, at least according to
23 some testimony, was seriously involved?

24 A Right.

25 Q Did you tell him that Mr. Magruder was talking, had

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87 1 been to the prosecutors?

2 A That was discussed. I think what was discussed was
3 that I had talked to him, but I had not talked to him until
4 after he had been to the prosecutors.

5 Q I believe you have testified in a Senate committee
6 about a meeting which you had with Mr. Dean, Mr. Helms, and
7 Mr. Colby on December 15th, 1972.

8 A Yes.

9 Q What was the purpose of that meeting?

10 A That meeting was for the purpose of enabling the
11 CIA and the White House to respond to a request from the
12 United States Attorney for information about the relationship
13 between Mr. Hunt and the CIA in 1971.

14 Q Did the people from the CIA, Mr. Helms and Mr. Colby,
15 bring with them to that meeting a list or an actual package
16 of the documents, materials, and answers to inquiries, which
17 they had gathered up in response to the questions put by the
18 prosecutors?

19 A I don't believe so. I don't recall seeing that.

20 Q Was there any discussion of the material or informa-
21 tion or answers to questions that they had gotten together
22 in response to the prosecutors' questions?

23 A Yes, we discussed the questions and what the answers
24 were thought to be.

25 Q And that was the purpose of the meeting, wasn't it?

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1 Q Did there come a time when you learned that Mr.
2 Ehrlichman was conducting an investigation or said he was
3 going to conduct an investigation?

4 A Yes, sir. There came a time when he said that he
5 was. That was Saturday evening at 5:30, April 14th, 1973.

6 Q And was that a surprise to you?

7 A That conversation and what ensued that night in my
8 home was the most shocking day of my life, I guess. I'll never
9 forget it.

10 Q What occurred?

11 A Again, it's a Saturday. I'm at Burning Tree playing
12 golf. I don't play on Sunday because that's a 25 year agree-
13 ment with my wife. I play on Saturday and stay home on Sun-
14 day.

15 About 3:30, the telephone rang. It was Mr. Ehrlich-
16 man's secretary, Miss Hruska. She said that, "Mr. Ehrlichman
17 will want you to come down and see him sometime this after-
18 noon."

19 I think that irritated me a little bit. I think I
20 said, "Aan, I can come down right now, but I can't do it later
21 because I have to be at a reception at the White House Corres-
22 pondents Dinner downtown at 6:00 o'clock."

23 She said, "I'll call you right back." Five minutes
24 later, she called back and said, "Well, you don't have to
25 come down to see Mr. Ehrlichman. Where will you be where he

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1 can talk to you on the telephone at 5:30?" And I said, "I'll
2 be at home."

3 I got home in time to change my clothes and put on
4 my dinner clothes so I could talk to him and then leave and
5 be there at 6:00 o'clock.

6 The telephone rang at precisely 5:30. Ehrlichman
7 started out by saying, "General, I've been meaning to call you
8 to report to you about my investigation that I've been conduct-
9 ing with respect to the Watergate matter, and I'm sorry that
10 I haven't been able to do it before now."

11 And I said, "John, have you been conducting a per-
12 sonal investigation?" He said, "Yes." I said, "Have you been
13 interrogating people?" He said, "Yes, I have." I said, "Have
14 you been talking to anybody to anybody that would indicate
15 that they were in violation of criminal laws?" He said, "Yes,
16 I have."

17 Then I remember saying, "John, I think you should
18 be very careful. If you have in your possession evidence
19 about violation of the criminal laws of anybody, it should be
20 given to the FBI, or you could find yourself in an obstruction
21 of justice or be an accessory after the fact."

22 Then I distinctly remember him saying, "Well, it
23 doesn't make any difference now." And I said, "Why not?" And
24 he said, "Well, Mr. Magruder has been over here all afternoon
25 telling us what he has been telling the United States Attorney's

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1 office and that what he's been telling us -- saying to them --
2 implicates people high and low in the White House and the
3 Campaign Committee. Have a good time at the White House
4 Correspondents Dinner." Click. Down goes the phone. That's
5 all I ever knew about that.

6 Q Let me back track in time and then we'll pick up
7 again. We sort of got ahead of ourselves.

8 Sometime in February, late February of 1973, did
9 you have a conversation with President Nixon concerning the
10 Ervin Committee?

11 A Well, I remember talking to him on the telephone a
12 couple of times about that situation.

13 Q What do you recall?

14 A The general subject matter was that I think, because
15 of the request of Senator Baker, that I was to be the liaison
16 between the White House and the minority members of the Ervin
17 Committee with respect to their procedures. And the thing
18 that was troublesome to the White House, at that time, were
19 the terms and circumstances under which top people at the
20 White House, such as Haldeman and Ehrlichman and Dean, et
21 cetera, were going to be giving testimony to the Ervin Com-
22 mittee. That was the general subject matter.

23 Once, the President reported to me that somebody on
24 Baker's staff had complained to the White House that I wasn't
25 available to Senator Baker, and that got me upset because

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SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

April 14, 1973, 6:00 p.m.

On April 14, 1973 at approximately 6:00 p.m., Ehrlichman had a telephone conversation with Kleindienst. Ehrlichman told Kleindienst that he wanted to bring him up to date on what Ehrlichman had been doing. For about the last three weeks, Ehrlichman said, "the President has had me trying to gather together, as you know, a certain amount of law and facts to be in a position to kind of substitute for Dean, and to advise him on the White House involvement, but even broader involvement, in this whole transaction." Ehrlichman said that he gave the President a summary the preceding day, that a lot of it was hearsay, but some of it was pretty reliable. He said he had told the President that he had "encountered people who appeared to be reticent to come forward because they somehow felt that the Presidency was served by their not coming forward," and that the President had him talk to certain of them and "straighten them around of [sic] that point." (pp. 1-2)

Ehrlichman told Kleindienst that he had talked to "your predecessor" Mitchell and to Magruder, who "had just come back from telling everything to the U. S. Attorney" minutes before he came to see Ehrlichman. Ehrlichman said that Magruder's story to the U. S. Attorney was "dramatically inconsistent" with what he had told the Grand Jury. Magruder, Ehrlichman said, "implicates everybody in all directions up and down in the Committee to Re-elect"; his testimony indicated that there was a "substantial case of perjury against Mitchell and Magruder in the first instance"; that Magruder and Mitchell would be "principals" in the "overall conspiracy";

(pp. 2-3) and that Dean, LaRue, Mardian and Porter were also implicated, Mardian "largely . . . on the obstruction of justice," and LaRue "from stem to stern." (p. 9) Ehrlichman also said that he talked to Mitchell before Magruder, and that Mitchell was "very steadfast in his protestations of innocence." (p. 3)

Ehrlichman told Kleindienst that "[m]y purpose and intent was to advise you of this when I got finished with this process and tender this information for whatever purpose it would serve," and that "I now have very little to add to what Magruder had already given the U. S. Attorney." (p. 4)

Ehrlichman said Magruder had told him that the U. S. Attorneys were very concerned "about Dean's facility for advising people at the Committee of the proceedings of the Grand Jury," that they knew the source of Dean's information, and that it was "from higher up." Kleindienst said that he couldn't have given Dean the information because he didn't have it, and that he didn't think Petersen had done so. (pp. 4-5)

They discussed whether Deputy Attorney General Sneed should be told the substance of their conversation. Kleindienst said: "I think at this point we ought to think very hard on the suggestion I made to you when I was out in San Clemente." Ehrlichman said he thought the President felt that Sneed "could do that." Kleindienst replied, "you wouldn't have any credibility with it. . . . He is . . . a Presidential appointee." They decided to discuss it further on Monday. Kleindienst said that the Chief Justice had suggested people "for that role." Ehrlichman replied that "Rogers passed those along to me." (pp. 6-7)

Kleindienst told Ehrlichman to "be very careful what you do from here on out," and said, "Your's [sic] is a very God damn delicate line as to what you do to get information to give to the President and what you can do in giving information to the Department of Justice, you know, to enforce the law." (p. 7) Ehrlichman said he had talked to many people in the course of his investigation, and had found evidence of conduct which violated the law. Kleindienst said he would talk to Henry Petersen "to see what line we ought to follow here." Kleindienst asked who else Ehrlichman had talked to about this besides Kleindienst, and Ehrlichman said, "The President." (p. 8) Kleindienst said, "I might want Henry and I to get together with you, just so we don't make any mistakes." (p. 10)

45. On April 14, 1973 the President had a telephone conversation with Haldeman from 11:02 to 11:16 p.m. There was a discussion of what would be said to Strachan about the information Magruder was giving to the prosecutors. There was also a discussion about the motive for making payments to the defendants.

In response to the Committee's subpoena for the tape recording and other evidence of this conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

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45.2 House Judiciary Committee staff summary of White House edited transcript of a telephone conversation between the President and H. R. Haldeman, April 14, 1973, 11:02-11:16 p.m.....	847

45.1 PRESIDENT NIXON DAILY DIARY, APRIL 14, 1973, EXHIBIT 19,
IN RE GRAND JURY, MISC. 47-73

THE WHITE HOUSE		PRESIDENT RICHARD NIXON'S DAILY DIARY		(For Travel Activity)	
PLACE DAY BEGAN		DATE (Mo., Day, Yr.)		TIME DAY	
THE WHITE HOUSE WASHINGTON, D.C.		APRIL 14, 1973		7:55 a.m. SATURDAY	
TIME		PHONE P=Placed R=Received		ACTIVITY	
In	Out	Lo	LD		
7:55	8:02			The President motored from the South Grounds of the White House to the office of his dentist, Dr. William O. Chase, 1302 18th St., N.W.	
8:02	8:35			The President met with Dr. Chase.	
8:35	8:42			The President motored from Dr. Chase's office to the South Grounds of the White House.	
8:44				The President went to his office in the EOB.	
8:47	8:49	P		The President talked with his Special Assistant, Stephen B. Bull.	
8:54	8:56	P		The President talked with Secretary of Defense Elliott L. Richardson.	
8:55	11:31			The President met with: John D. Ehrlichman, Assistant H. R. Haldeman, Assistant	
9:00	11:30				
10:49	10:50	P		The President talked with Mr. Bull.	
11:32	12:30			The President met with: Henry A. Kissinger, Assistant Gen. Alexander M. Haig, Jr., Army Vice Chief of Staff	
11:32	12:02				
11:33	11:34	P		The President talked with Mr. Bull.	
12:53	12:54	P		The President talked with Mr. Bull.	
1:52				The President went to the Oval Office.	
1:55	2:13			The President met with Mr. Haldeman.	
2:13				The President went to the South Grounds of the White House.	
				The President greeted tourists being escorted by the First Lady on a tour of the White House gardens. Included in the group were Mayor Walter E. Washington (D-Washington, D.C.) and winners of a poster contest sponsored by the Society for a More Beautiful National Capital, Inc. For a list of poster contest winners, see <u>APPENDIX "A."</u> Members of the press, in/out White House photographer, in/out	
2:23				The President, accompanied by his Press Secretary, Ronald L. Ziegler, returned to the Oval Office.	

Source: Misc 47-73 In re Grand Jury Proceedings

WHITE HOUSE

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

PLACE DAY BEGAN				DATE (Mo., Day, Yr.)	
THE WHITE HOUSE WASHINGTON, D.C.				APRIL 14, 1973	
				TIME	DAY
				2:23 p.m. SATURDAY	
TIME		PHONE P=Placed R=Received		ACTIVITY	
In	Out	Lo	LD		
2:23	2:24			The President met with Mr. Ziegler.	
2:24	3:55			The President met with: Mr. Haldeman Mr. Ehrlichman	
3:55				The President went to his office in the EOB.	
4:58	4:59	P		The President talked with the First Lady.	
5:15	6:45			The President met with: Mr. Haldeman Mr. Ehrlichman	
5:41			R	The President was telephoned long distance by Senator Robert Dole (R-Kansas) in Salina, Kansas. Mr. Bull took the call.	
5:45			R	The President was telephoned by his daughter, Julie. The call was not completed.	
6:08	6:09	R		The President talked with his daughter, Julie.	
8:11				The President returned to the second floor Residence.	
8:58	9:04			The President and the First Lady motored from the White House to the Washington Hilton Hotel.	
				The President and the First Lady were greeted by: Edgar A. Poe, correspondent for the <u>New Orleans Times-Picayune</u> and outgoing President of the White House Correspondents' Association Ted Knap, correspondent for Scripps-Howard Newspaper Alliance and incoming President of the White House Correspondents' Association	
				The Presidential party went to the head table in the International Ballroom.	
				The President and the First Lady were guests of honor at a dinner hosted by the White House Correspondents' Association. Mr. Knap presented the President with a sterling silver replica of an 18th century globe crafted by Williamsburg silversmiths. For a list of other head table guests, see <u>APPENDIX "B."</u> Members of the press, in/out White House photographer, in/out	

WHITE HOUSE		PRESIDENT RICHARD NIXON'S DAILY DIARY		DATE (Mo., Day, Yr.)	
PLACE DAY BEGAN		TIME		DAY	
THE WHITE HOUSE WASHINGTON, D.C.		9:04 p.m. SATURDAY			
TIME		PHONE P=Placed R=Received		ACTIVITY	
In	Out	In	LD		
				The President returned to his limousine. He was accompanied by: The First Lady Mr. Poe Mr. Knapp	
10:20	10:26			The President and the First Lady motored from the Washington Hilton Hotel to the South Grounds of the White House.	
10:28				The President and the First Lady returned to the second floor Residence.	
11:02	11:16	P		The President talked with Mr. Haldeman.	
11:20		P		The President telephoned Mr. Kissinger. The call was not completed.	
11:22	11:53	P		The President talked with Mr. Ehrlichman.	
				For a record of the President's activities after midnight, see the Daily Diary for April 15, 1973.	
CD/SK/JD					

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

April 14, 1973, 11:02 p.m. to 11:16 p.m.

On April 14, 1973, the President and Haldeman had a telephone conversation from 11:02 to 11:16 p.m. The edited White House transcript begins with the notation, "[m]aterial not related to Presidential actions deleted." The President said that he thought some of "Magruder's stuff" could be "exaggerated," and that he was "obviously flailing around like a wild man at the present time." Haldeman disagreed, but said that Magruder "was frantic" earlier. The President said he just didn't know how it was going to come out. And, he said, "I was serious when I said to John at the end there, damn it all, these guys that participated in raising money, etc. have got to stick to their line -- that they did not raise this money to obstruct justice." Haldeman replied that he sure didn't think they were and he didn't think they did, with maybe some exceptions. The President said, "Right. Right. Of course, I suppose there they will say, like McCord has said, that that was the purpose. That somebody told him that. That doesn't mean anything." Haldeman replied, "Yeah," and the President said that the question, of course, was Liddy and the others. "It is the word of felons against the word of the men that raised the money, huh?" Haldeman said that was right, "[y]ou just don't know how much will come out in that way either."

The President said that he thought "we pretty much know what the worst is," that he didn't know "what the hell else they could have that is

any worse. . . . Unless there is something that I don't know, unless somebody's got a piece of paper that somebody signed or some damned thing, but that I doubt." Haldeman said that it didn't appear there was such a thing, that there had been no hint of that. He told the President that "[w]hat you hear is all stuff that has been hinted at," that it went "further than what was in some areas, but that it's obviously totally consistent, basically, with everything John has developed." (pp. 2-3)

The President asked if either Haldeman or Ehrlichman should fill Colson in on Magruder, since they had no interest in getting him up there guilty on a perjury charge. Haldeman replied that "there is nothing Jeb said that is inconsistent with anything that Chuck has said." The President said that could be right, that Colson could say, "yes, the Liddy project, sure but I thought the Liddy project was something else." Haldeman said that was right, that was what he did say; the President said, "He does, huh?"; and Haldeman replied, "Yeah." (p. 3)

There followed a discussion of the "P.R. thing," the position they should take with respect to testimony before the Committee, and the advantages and disadvantages of live television coverage. (pp. 3-5) The President asked Haldeman to "discuss public or private thing" with Rogers and Connally. Haldeman told the President that he would not tell Connally about "the Magruder," that Haldeman shouldn't tell Rogers, because Haldeman was "not supposed to know," and that "Kleindienst is worried about John giving the information to anybody." Haldeman agreed to the President's request to ask Connally and Rogers for "their considered judgment, should you be on television." (pp. 6-7)

They discussed Dean, and whether they should "back down." The President said that "I would just say, because of all those charges that have been around these men are entitled to be heard in public. . . . And I want them heard in public, and I want them to tell their story in public." (pp. 7-8)

The President then raised the subject of Strachan, saying "one person you do tell and I -- and he can still say that he just told him to tell the truth. You ought to tell Strachan, but tell him --." Haldeman told the President, "John is telling him." The President replied, "John is, but not in a way that Strachan indicates that he knows what the other fellow said," and Haldeman said that was right. The President asked whether Strachan was "smart enough to do that," and Haldeman said, "Yes." The President said Strachan had to be prepared that he was going to be asked this and was going to be asked that; "John should put him through a little wringer there." Haldeman said, "Yep." The President said that John was the one who should do it, he was conducting an investigation for the President. Haldeman added that Ehrlichman had the information and that he didn't, though he could reconstruct part of it. The President said, "That's right. I agree. But John will know the questions too." Haldeman said, "The specific points is what he needs to cover." (pp. 8-9)

The edited transcript ends with the notation, "material not related to Presidential actions deleted." (p. 9)

46. On April 14, 1973, from 11:22 to 11:53 p.m., the President had a telephone conversation with John Ehrlichman. There was a discussion of what Ehrlichman would say to Colson and Strachan about his conversation with Magruder, and what Ehrlichman would say to Dean about a plan to deal with obstruction of justice allegations. There was also a discussion of whether Haldeman should be dismissed.

In response to the Committee's subpoena for the tape recording and other evidence of this conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

	Page
46.1 President Nixon daily diary, April 14, 1973, Exhibit 19, <u>In re Grand Jury</u> , Misc. 47-73.....	852
46.2 House Judiciary Committee staff summary of White House edited transcript of a telephone conversation between the President and John Erlichman, April 14, 1973, 11:22-11:53 p.m.....	855

THE WHITE HOUSE		PRESIDENT RICHARD NIXON'S DAILY DIARY		DATE (Mo., Day, Yr.)	
PLACE DAY BEGAN		15 (Special Record for Travel Activity)		APRIL 14, 1973	
THE WHITE HOUSE WASHINGTON, D.C.		EXHIBIT		TIME DAY	
TIME		PHONE P=Placed R=Received		7:55 a.m. SATURDAY	
In	Out	Lo	ID	ACTIVITY	
7:55	8:02			The President motored from the South Grounds of the White House to the office of his dentist, Dr. William O. Chase, 1302 18th St., N.W.	
8:02	8:35			The President met with Dr. Chase.	
8:35	8:42			The President motored from Dr. Chase's office to the South Grounds of the White House.	
8:44				The President went to his office in the EOB.	
8:47	8:49	P		The President talked with his Special Assistant, Stephen B. Bull.	
8:54	8:56	P		The President talked with Secretary of Defense Elliott L. Richardson.	
8:55	11:31			The President met with: John D. Ehrlichman, Assistant	
9:00	11:30			H. R. Haldeman, Assistant	
10:49	10:50	P		The President talked with Mr. Bull.	
11:32	12:30			The President met with: Henry A. Kissinger, Assistant	
11:32	12:02			Gen. Alexander M. Haig, Jr., Army Vice Chief of Staff	
11:33	11:34	P		The President talked with Mr. Bull.	
12:53	12:54	P		The President talked with Mr. Bull.	
1:52				The President went to the Oval Office.	
1:55	2:13			The President met with Mr. Haldeman.	
2:13				The President went to the South Grounds of the White House.	
				The President greeted tourists being escorted by the First Lady on a tour of the White House gardens. Included in the group were Mayor Walter E. Washington (D-Washington, D.C.) and winners of a poster contest sponsored by the Society for a More Beautiful National Capital, Inc. For a list of poster contest winners, see APPENDIX "A."	
				Members of the press, in/out	
				White House photographer, in/out	
2:23				The President, accompanied by his Press Secretary, Ronald L. Ziegler, returned to the Oval Office.	

Source: Nixon 47-73 In re Grand Jury Proceedings

WHITE HOUSE

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

PLACE DAY BEGAN				DATE (Mo., Day, Yr.)	
THE WHITE HOUSE WASHINGTON, D.C.				APRIL 14, 1973	
TIME				TIME	DAY
In	Out	Lo	LD	2:23 p.m. SATURDAY	
2:23	2:24			The President met with Mr. Ziegler.	
2:24	3:55			The President met with: Mr. Haldeman Mr. Ehrlichman	
3:55				The President went to his office in the EOB.	
4:58	4:59	P		The President talked with the First Lady.	
5:15	6:45			The President met with: Mr. Haldeman Mr. Ehrlichman	
5:41			R	The President was telephoned long distance by Senator Robert Dole (R-Kansas) in Salina, Kansas. Mr. Bull took the call.	
5:45			R	The President was telephoned by his daughter, Julie. The call was not completed.	
6:08	6:09		R	The President talked with his daughter, Julie.	
8:11				The President returned to the second floor Residence.	
8:58	9:04			The President and the First Lady motored from the White House to the Washington Hilton Hotel.	
				The President and the First Lady were greeted by: Edgar A. Poe, correspondent for the <u>New Orleans Times-Picayune</u> and outgoing President of the White House Correspondents' Association Ted Knap, correspondent for Scripps-Howard Newspaper Alliance and incoming President of the White House Correspondents' Association	
				The Presidential party went to the head table in the International Ballroom.	
				The President and the First Lady were guests of honor at a dinner hosted by the White House Correspondents' Association. Mr. Knap presented the President with a sterling silver replica of an 18th century globe crafted by Williamsburg silversmiths. For a list of other head table guests, see <u>APPENDIX "B."</u> Members of the press, in/out White House photographer, in/out	

PLACE DAY BEGAN		DATE (Mo., Day, Yr.)	
THE WHITE HOUSE WASHINGTON, D.C.		APRIL 14, 1973	
		TIME DAY 9:04 p.m. SATURDAY	

TIME		PHONE P=Placed R=Received	ACTIVITY
In	Out	Lo	ID
			The President returned to his limousine. He was accompanied by: The First Lady Mr. Poe Mr. Knapp
10:20	10:26		The President and the First Lady motored from the Washington Hilton Hotel to the South Grounds of the White House.
10:28			The President and the First Lady returned to the second floor Residence.
11:02	11:16	P	The President talked with Mr. Haldeman.
11:20		P	The President telephoned Mr. Kissinger. The call was not completed.
11:22	11:53	P	The President talked with Mr. Ehrlichman.
			For a record of the President's activities after midnight, see the Daily Diary for April 15, 1973.

CD/SM/JD

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

April 14, 1973, 11:22 p.m. to 11:53 p.m.

On April 14, 1973, the President and Ehrlichman had a telephone conversation from 11:22 to 11:53 p.m. The transcript begins with the notation "MATERIAL NOT RELATED TO PRESIDENTIAL ACTIONS DELETED." Ehrlichman informed the President that he intended to see Strachan, Dean, and possibly Ziegler the next morning. They discussed the Ervin Committee hearings and the advantages and disadvantages of public or private hearings. The President said he thought they should take the position that "the men in the White House staff that have been charged, etc. have a right to be heard publicly and that's that - under certain proper ground rules." (pp. 1-2)

The President asked Ehrlichman if he shouldn't give Colson "at least a touch up . . . or is that dangerous according to Kleindienst?" Ehrlichman answered that he didn't think he should say anything to Colson about John Dean, but that he could tell Colson that he understood Magruder had talked. The President said he thought they owed it to Colson, so he didn't "go in there and well frankly on a perjury rap." Ehrlichman said he didn't think "he is in any danger on that," and the President asked, "Why wouldn't he be in any danger, because he's got his story and knows pretty well what he is going to say?" Ehrlichman replied, "Yeah, I think he is pretty pat, but I will talk to him in the morning and give him a cautionary note anyway." (pp. 3-4)

Ehrlichman told the President he had an urgent message to call Colson. The President said, the "urgent call may be just what we

know, or it may be more of something on our friend" Hunt. The President said, "There isn't a damn thing you can do about that either." (pp. 4-5)

Ehrlichman said he would probably see Kleindienst the next day, and the President told Ehrlichman to tell Kleindienst that the appointment of a Special Prosecutor "would be a terrible reflection on the system of justice" and that the "Administration would be in effect admitting that the Justice Department was so corrupt that it couldn't prosecute." The President said that "the Special Prosecutor thing can only open other avenues potentially. I don't mean that there is anything you want to cover up, but you know. He will just go through and -- " Ehrlichman said, "I think it is folly." (p. 5)

The President said, "I just feel that I have to be in a position to be clean and to be forthcoming, etc." He asked Ehrlichman to "[r]e-think a little bit more about that Haldeman thing." Ehrlichman responded, "I don't think he is in that bad shape." They discussed Magruder's testimony and his credibility as a witness. Ehrlichman said that ". . . it sounded credible, but I can't vouch for it obviously. And that's one of the reasons I want to get Gordon in." The President asked about Mitchell's situation. Ehrlichman answered that he was sure Mitchell would be indicted, but that Mitchell could "file 89 motions," which would take a good deal of time and likely delay the Ervin Committee. (pp. 6-10)

The President asked Ehrlichman if Ehrlichman should talk to Ervin. Ehrlichman said no. The President told Ehrlichman that he felt

he should give up his claim of executive privilege where wrongdoing is charged, that doing so "puts the President in the position of being as forthcoming as we can -- want the facts out . . ." and that Ehrlichman could present it as a compromise with the Committee. (pp. 10-12)

At this point, there is a notation, "MATERIAL NOT RELATED TO PRESIDENTIAL ACTIONS DELETED." (p. 12) The President said that he believed Haldeman to be not guilty, and that he would not take a resignation from a man who is innocent. "That is wrong. That is contrary to our system, and I am going to fight for him." The President said, "If evidence is brought out to the contrary, fine. Then we will take a look at it." (pp. 12-13)

There followed a discussion of approaching "our own leaders," telling them that the White House staff was going to testify

The President said that "you say, they have all given sworn statements on this thing, and we feel that we are due our day in court, etc., etc." The President agreed with Ehrlichman's suggestion that they be given a copy of Haldeman's statement. Ehrlichman said that the President "could trace the history of our attempt to cooperate with Ervin." (pp. 13-14)

There is a notation "MATERIAL NOT RELATED TO PRESIDENTIAL ACTIONS DELETED." (p. 14) There was further discussion of Haldeman's situation.

The President asked whether he should discharge all persons about whom suspicions have been raised, and what appearance such a course would have. The President said, "I am not one who is going to say, look, while this guy is under attack, I drop him." Ehrlichman said nothing would be gained by it, "[t]he problem doesn't go away." The President agreed that, if "Nixon's top person, closest man to him, in the office four or five hours a day" went, they would say, "Everything must be wrong!" Ehrlichman replied, "Yep - that is it. That is like separating Siamese twins." The President said, "[S]o there will be fragments here and there. Well, people make mistakes, but you don't fire a guy for a mistake do you? . . . Not for a well-intentioned mistake." (pp. 14-16)

Ehrlichman said that he intended to talk to Dean "to try to get him around a bit, . . . to get off this passing the buck business," that it was "a little touchy" and he didn't know "how far I can go." The President said "John, that is not going to help you." The President said that Dean "has to look down the road to one point that there is only one man who could restore him to the ability to practice law in case things go wrong. He's got to have that in the back of his mind." Ehrlichman said, "Uh, huh," and the President said "He's got to know that will happen. You don't tell him, but you know and I know that with him and Mitchell there isn't going to be any damn question, because they got a bad rap."

At this point, there is a notation "MATERIAL NOT RELATED TO PRESIDENTIAL ACTIONS DELETED" (p. 17) In regard to Ehrlichman's talk

with Kleindienst the next day, the President said, ". . . with him I would be very tough. I would say Dick -- just don't mess around -- they are after Mitchell, and they are going to get him at the present time. At least, that's what our information indicates and so here is where we go."
(p. 17)

They discussed the possibility of Kleindienst's resignation. The President said "He shouldn't. Well, you know, when I come to think about it, basically, he should for other reasons. If we could get the Ellsberg case over, I would just like to get that FBI fellow."

The President asked if Ehrlichman was going to talk to Ziegler about getting out "the fact that you have conducted a thorough investigation?" Ehrlichman said, "We will work on that. I think there is," and the President said, "I think we have to get that out." (p. 18)

Ehrlichman said that the story was out that Colson and Mitchell were both at the White House, and he therefore suspected that "somebody is going to start stringing all this together." The President and Ehrlichman discussed the statement they might make. Ehrlichman said he thought that he wouldn't have to say he had seen them, they could just say "we have had a job of work going on for several weeks." The President said that Ehrlichman could say that, because of the charges that had been made, the President wanted an independent investigation made and directed Ehrlichman to make it, and that if there was anybody who was guilty, he must through the judicial processes be brought to the bar. Ehrlichman suggested that it could be simply to aid the President in analyzing the steps that ought to be taken, that the President was being asked "to do a lot of extraordinary

things." The President said, "[y]ou could say the President wants this matter cleaned up, once and for all. . . . It has been hanging around and yakked about. Innocent people have been hurt in the process . . . and we want this thing finished." Ehrlichman said that for the President to come to any sort of judgment on proposals for a special commission and the like, "you have to have a pretty clear understanding of the facts." The President said, "Right. Well, with Dean I think you can talk to him in confidence about a thing like that, don't you?" Ehrlichman said that he was not sure, that he did not know how much to lean on that reed at the moment, but that he would sound it out. The President said that Ehrlichman should tell Dean that "the President thinks you have carried a tremendous load, and his affection and loyalty to you is just undiminished," and that "we can't get the President involved in this. His people, that is one thing. We don't want to cover up, but there are ways." The President said that Ehrlichman should start with Dean "certainly on the business of obstruction of justice," and that Ehrlichman should say, "Look, John - we need a plan here." Ehrlichman said that he was "not sure I can go that far with him," and the President said, "No. He can make the plan up." Ehrlichman said, "I will sound it out." (pp. 18-20)

At the end of the conversation, the President said, "[W]hile it is painful, I just feel better about getting the damn thing done. . . . I mean, after all, it is my job and I don't want the Presidency tarnished, but also I am a law enforcement man." (p. 21)

47. During the evening of April 14, 1973 Petersen was briefed by the prosecutors on the information furnished by Dean and Magruder. Petersen telephoned Kleindienst and arranged to report to him immediately. On April 15, 1973 Kleindienst met at his home with Petersen, United States Attorney Titus, and chief prosecutor Silbert from approximately 1:00 a.m. to 5:00 a.m. Kleindienst was briefed on evidence implicating high White House and CRP officials in the Watergate break-in and the obstruction of the government's investigation. Kleindienst decided to arrange a meeting with the President that morning.

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47.1 Henry Petersen testimony, 9 SSC 3627-28.....	864
47.2 Richard Kleindienst testimony, 9 SSC 3572-73, 3578-79, 3585-86.....	866

so I called John Dean on the telephone and told him, John, there is no point in my coming over there, we are going to recommend jail time and these people are going to be immunized and we then discussed what immunity meant, what the alternatives are—and they are: you can be contumacious and go to jail almost immediately or you can lie and take your risk that the Government will be able to prove it, which may give you a little bit of time, or you can cooperate, and I spelled those out for him and that ended the conversation.

Mr. DASH. We have had testimony from Mr. Kleindienst and I think Mr. Kleindienst indicated that you perhaps would be our better witness as to what occurred on April 14 which led also to a meeting on April 15 with the President. What actually led to the meeting that you had with Mr. Titus, Mr. Silbert, Mr. Glanzer, Mr. Campbell, on April 14?

Mr. PETERSEN. Mr. Silbert was trying to get me all throughout the day on April 14. I did not get home until approximately 6 or 7 o'clock in the evening. I called him and he said it was imperative that he see me, that he, Titus, Silbert, Glanzer, meet with me immediately. And I agreed. So we set up a meeting in my office at 8:30 that night. They came down and they launched into the fact they had made a breakthrough in the Watergate case and that it was of significant proportions and that they were in the course of attempting to negotiate an agreement for John Dean's testimony and they had received certain information from him in the course of the negotiations which they had agreed not to utilize unless some type of agreement was reached. They had received also testimony from Jeb Stuart Magruder which seemed to corroborate the skeletal facts Mr. Dean had given them and that on the basis of all of these facts they concluded that Mr. Mitchell, Mr. Mardian, Mr. LaRue, Mr. Magruder, Mr. Ehrlichman, Mr. Haldeman, Mr. Dean, were putative defendants.

Mr. DASH. When you had that information, did you call Mr. Kleindienst or did Mr. Kleindienst call you?

Mr. PETERSEN. That was the night of the White House correspondents' dinner and I had great difficulty in getting in touch with Mr. Kleindienst and we finally left word for the White House to get in touch with his car, radio car, and he called me I guess around 12:30 a.m., after the dinner. We then made arrangements to meet at his home.

Mr. Titus and Mr. Silbert and I arrived at his home around 1:30 or 2 o'clock in the morning and we proceeded between then and 5 a.m. to give him a recitation of what we thought was in the offing and who was involved.

Mr. DASH. I take it these are the same facts that you had been briefed on by the prosecutors.

Mr. PETERSEN. That is right, and, of course, it was the unanimous recommendation of all of us that he inform the President immediately because of the implications. This was really the first information that we had to tie it to people of the stature of Mr. Mitchell and Mr. Haldeman and Mr. Ehrlichman.

Mr. DASH. And did you set up a meeting or did Mr. Kleindienst set up a meeting with the President?

Mr. PETERSEN. Mr. Kleindienst agreed he would set up such a meeting with the President and, as I recall, he said he was going to—there

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was a prayer breakfast over there and he would attempt to set it up while he was there.

I next heard from Mr. Kleindienst at approximately 2 o'clock Sunday afternoon and he asked me to come down to the office and I did so. and while there, he said he was going to go and see the President again at 3 or 3:30 p.m., and maybe it would be a good idea if I would come with him, and I said OK.

Mr. DASH. Was it at that time that you and Mr. Kleindienst gave a complete briefing as to what you had learned from the prosecutors—

Mr. PETERSEN. Yes, sir.

Mr. DASH [continuing]. To the President?

Mr. PETERSEN. Yes, sir.

Mr. DASH. Can you tell the committee what the reaction of the President was at that time?

Mr. PETERSEN. Well, I guess the reaction of the President was one of concern when I remember remarking to Mr. Kleindienst how I admired his calm. I would have been cussing and fuming. He was concerned, and you have to understand that I had seen the President only on ceremonial occasions or briefings on legislation. He didn't know me from Adam.

Mr. DASH. This was your first face-to-face meeting with the President, then, wasn't it?

Mr. PETERSEN. Yes; at any time in a situation where he was relying solely on my advice, and here I was recommending that two people whom he had known and worked with for years be dismissed.

Mr. DASH. Who were they?

Mr. PETERSEN. Mr. Haldeman and Mr. Ehrlichman.

Mr. DASH. What was his reaction to that recommendation?

Mr. PETERSEN. He understood my concerns and he appreciated my candor and my concern for the Presidency and my position was that I can't guarantee you that we have a criminal case at this point, but I can guarantee you that these people are going to be a source of vast embarrassment to the Presidency and for that reason I think that the best thing that you could do would be to get rid of them immediately.

The President's response was interesting. He said, yes, but he owed them an obligation of fairness, too, and I didn't disagree with that. If somebody came in and said about my two assistants you have got to fire them immediately, I would take time to look.

Mr. DASH. What office—

Mr. PETERSEN. He took longer than I would have liked. I guess I was a little impatient but he did it and that was the important thing.

Mr. DASH [continuing]. What office was this meeting held in?

Mr. PETERSEN. In the old Executive Office Building.

Mr. DASH. Were you aware at the time, Mr. Petersen, that these conversations were being taped?

Mr. PETERSEN. No, sir; but it didn't surprise me. I would have anticipated—I think if you had asked me I would have thought that was a fair possibility and frankly let me say for the record I have no objection. I think the Chief of State ought to do it.

Mr. DASH. Did you make any recommendation with regard to Mr. Dean?

Mr. PETERSEN. Yes, I did. The President said, "You know, Haldeman and Ehrlichman deny this and I have got to find this out. Dean in

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strict judge. The way we had allocated it, it was their turn to come up with one and I wanted to suppress my pleasure to those two Senators for fear it might prejudice Matt. He is an outstanding judge. And then I think I gave him those qualities. He is a bachelor, he is about 40 years of age, he is dedicated to the law, and as I said in these troubled times as a result of Watergate, as a result of Pat Gray's misfortunes, that this would be regarded I think with complete credibility, there could be no charge of politics because of his bona fides as a Democrat, and then I said you will have a man who will be fair and forthright and honest in this job.

I don't know whether Mr. Ehrlichman suggested to me that I contact Mr. Byrne or not. I do know that in that conversation, I said, or I believe that I did, my recollection is that I have not talked to Matt Byrne since the Ellsberg trial started. I said I expressed good wishes to him through mutual friends in Los Angeles, but that he and I have just not talked together since the Ellsberg trial started. Neither one of us wanted, at least I, and I am sure he felt that we wanted anybody to think from the appearance of justice I was going in his back chambers and trying to get some special consideration for the Government in that very significant and vital case.

I have no recollection of Mr. Ehrlichman ever indicating to me at that meeting he himself was going to talk to Judge Byrne. Because of the standard that I had set for myself in not talking to Judge Byrne throughout this trial, if Mr. Ehrlichman had indicated to me that he was going to I am confident that I would have said John, you cannot do that while this trial is going on, or at least you should not. Really you, on behalf of the President, are really no different than I, a member of the President's family. In any event, when I first learned of the fact that Mr. Ehrlichman had contacted Judge Byrne, I know I registered a feeling of surprise that such a meeting had occurred. I know Judge Byrne well enough to know that he did nothing improper as a result of that meeting, or those meetings, nor would he permit anybody else to put him in a situation of impropriety. The Ellsberg trial was just about ready to come to a conclusion, the evidence was just about in, it was going to the jury, and because of the delay that had already occurred I didn't think there was that kind of a problem. Mr. Gray was continuing to act as the Acting Director of the FBI, and I thought, with great distinction.

That is what I recollect of the Byrne incident.

Mr. DORSEN. I just want to allude to a few of the subsequent events briefly at that time, however important they are. I do not want to pursue it in detail now, but am I correct that on the early morning hours of April 15, 1973, you had a meeting with Mr. Petersen, U.S. Attorney Harold Titus and the prosecutors at your home?

Mr. KLEINDIENST. It was just one of the prosecutors and that was the chief prosecutor, Mr. Silbert.

Mr. DORSEN. Am I correct that this meeting dealt with the disclosure of Mr. Magruder and Mr. Dean to the prosecutors?

Mr. KLEINDIENST. Yes, sir.

Mr. DORSEN. Following that meeting, am I correct that you made an appointment to see the President later in the day on April 15, 1973?

Mr. KLEINDIENST. That meeting commenced at approximately 1 o'clock in the morning, it terminated around 5 o'clock in the morning.

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I was up at 8:30 a.m. As a result of that meeting we agreed that I had to see the President. I put a call in to the White House at 8:30 a.m., the President returned my call at 9:30 a.m. I told him it was absolutely imperative that I see him right away. He said that I have the Sunday service at the White House at 11 a.m. I told him that rather than go to church with my wife and children I would go up there and attend that service at 11 o'clock and be available to see him after that was over.

I think the reception lasted until approximately 1 o'clock and around 1 o'clock in the afternoon I met with the President in his office in the Executive Office Building.

Mr. DORSEN. Now, am I correct that at least part of the meeting was devoted to briefing the President and that one of the decisions made on the afternoon of April 15 by you would be that you would in effect withdraw from the supervision of the prosecution of the Watergate case?

Mr. KLEINDIENST. The whole meeting was devoted solely to talking about the information that I had obtained that night and the consequences that inevitably must flow from it.

Mr. DORSEN. Now, I would like to show to you a document which you provided the committee dated April 15, 1973. The first page is typewritten. The page under it is handwritten. I ask if you can identify that for the committee?

Mr. KLEINDIENST. Yes. I know what you have in your hand, Mr. Dorsen. I furnished it to the committee. The document underneath, in my handwriting, is a document that I wrote out in my office in the presence of Mr. Petersen after he and I had met with the President of the United States in which I set forth the reasons why I had to recuse myself from any further contact or involvement in the Watergate case and in which I designated him to substitute for me as the Attorney General of the United States in anything further concerning the Watergate case.

I further requested that he communicate this decision of mine to—in the contents of this memorandum to U.S. Attorney Titus, Silbert, and to Acting Director Gray of the FBI. I signed it and I had Mr. Petersen sign it indicating the time that he received it. It was important for me to establish the time when I no longer had any connection with the Watergate thing.

I then Xeroxed a copy of my handwritten statement and gave it to him and I kept the original. And this is it—the top document that you handed me is a typed document of my handwritten document.

Mr. DORSEN. Mr. Chairman, I request that the document identified and summarized by Mr. Kleindienst be admitted into evidence.

Senator ERVIN. It will be received and appropriately marked as an exhibit and admitted in evidence as such.

[The document referred to was marked exhibit No. 145.*]

Mr. DORSEN. What does the word "recuse" mean in this context?

Mr. KLEINDIENST. It is a technical word used by lawyers and particularly those in Government service which signifies that for one reason or another, usually ethical reasons, that you withdrew from any further participation in a particular matter.

*See p. 3860.

have uttered some fantastic indication of surprise and then he abruptly terminated the call, as I remember it, by saying, "Have a good time at the White House correspondents' dinner," and the phone went down.

Needless to say, I didn't particularly enjoy the dinner. Some time that evening I got hold of Mr. Petersen and told him that I had to see him, and this is one aspect of this that I am not precise about.

My wife keeps telling me that I called Henry Petersen first, and I always believed that he called me. But in any event, I left the White House correspondents' dinner early. I usually stay, it gives me an opportunity to gig back members of the press after they have been giggling me all year. And I have so many friends among them. In any event, I decided to leave early. When I got home, I had a conversation with Henry, and he said, "It is important that we get together with you tonight." That was around 12 o'clock. I live out in McLean. He and Titus and Silbert were there by 1 o'clock in the morning.

MR. THOMPSON. Did you ever have any other conversation with Mr. Ehrlichman as to the findings of his investigation?

MR. KLEINDIENST. No.

MR. THOMPSON. Did you ever find out what he in fact reported to the President?

MR. KLEINDIENST. No. He opened the conversation up by saying that I have been meaning to call you before now, which would indicate that he had intended to do so but hadn't.

MR. THOMPSON. Your conversation with Titus, and Silbert, and Petersen, was it about 4 hours, from 1 in the morning to about 5 o'clock?

MR. KLEINDIENST. Yes, sir.

MR. THOMPSON. Did they tell you the substance of what Magruder and Dean had been telling them, telling the U.S. attorney?

MR. KLEINDIENST. Yes, sir, and I got some of my wife's personal stationery and made rather copious notes of what they told me so I could report it to the President the next day.

MR. THOMPSON. Can you recount to us briefly what they told you at that time?

MR. KLEINDIENST. Well, they in effect summarized the testimony or statements or purported statements of Magruder and Dean, which in one way or another would implicate Mr. Mitchell, Mr. LaRue, themselves, Mr. Haldeman, Mr. Ehrlichman, Mr. Mardian, you name it. It was a very lengthy meeting. This is the first time since June 17, 1972, that anybody had given me any credible evidence that any of these people were involved in any way in either the coverup or that incident.

Two of those men are two of the closest friends I have had in my life and I think one of the things I did that night, I wept. But it was a long meeting, Mr. Thompson, and it was a comprehensive meeting and I made comprehensive notes of what occurred.

MR. THOMPSON. Do you recall if they told you that Mr. Dean at that time had made allegations against the President concerning Presidential coverup?

MR. KLEINDIENST. No.

MR. THOMPSON. They did not?

MR. KLEINDIENST. They said Mr. Magruder was not looking for immunity and Mr. Dean was bargaining with his attorney for immu-

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nity and that his statements to them were on a conditional basis through his attorney predicated upon whether he got immunity or not.

Mr. THOMPSON. You went to see the President on the 15th?

Mr. KLEINDIENST. Yes, sir.

Mr. THOMPSON. The same day.

Did you tell him substantially what they had told you?

Mr. KLEINDIENST. To the best of my ability because I took the notes that I had written on my wife's stationery and had them in my pocket and I read from my notes.

Mr. THOMPSON. And what was the President's reaction?

Mr. KLEINDIENST. He was dumbfounded. He was very upset, he was—he was very upset.

Mr. THOMPSON. I believe you mentioned in an interview that he was partially consoling you.

Mr. KLEINDIENST. Well, I was very upset about this, Mr. Thompson. I don't think since my mother died when I was a young boy that I ever had an event that has consumed me emotionally with such sorrow and sadness as this situation and he was very considerate of my feelings.

Mr. THOMPSON. Mr. Kleindienst, did you have occasion at any time after the break-in in 1972 to talk to the President either in person or by telephone about the Watergate matter?

Mr. KLEINDIENST. I didn't—I know I had a conversation with him almost immediately afterward.

Mr. THOMPSON. Do you recall what was said in that conversation?

Mr. KLEINDIENST. Well, what was said about that is, he said, Dick, I told him what we were doing and he said, Dick, you have got to have a thorough intensive complete investigation of this and I think that that is when he first said let the chips fall where they will.

During the summer, we had the Republican Convention. I was gone for approximately a month up in the Poconos and then the campaign came along. I didn't have many conversations with the President during that period of time, none that I can specifically recall. I had two meetings with him up at Camp David after the election and after I had returned from Europe. We didn't have to talk much about the Watergate, I knew what I was doing, he knew what I was doing, but the extent to which it was brought up was in the same context.

Mr. THOMPSON. Mr. Kleindienst, I have no further questions.

Thank you, sir.

Senator ERVIN. Did John Ehrlichman tell you he was bugging, I use that word unadvisedly, rather recording your conversation with him?

Mr. KLEINDIENST. No, sir. If I ever felt he had I don't know if I would have ever talked to him again.

Senator ERVIN. You stated, as I understand your testimony, that the President indicated by his conversation, when you reported what you knew about the Watergate affair to him, that—

Mr. KLEINDIENST. What meeting are you talking about, Mr. Chairman?

Senator ERVIN. The 15th.

Mr. KLEINDIENST. Yes, sir.

Senator ERVIN [continuing]. That he indicated by his reply that he did not know—that he was ignorant about the Watergate affair?

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Mr. KLEINDIENST. Well, I have written a letter to Mr. Wilson, the attorney for Mr. Haldeman and Mr. Ehrlichman, making a demand upon them to furnish me copies of any tapes they have in their possession and I have likewise written a letter to Mr. Garment to request copies of any tapes that they have in their possession between me, Mr. Ehrlichman and Mr. Haldeman.

Senator BAKER. Have you had a reply to that?

Mr. KLEINDIENST. No, sir; I have not.

Senator BAKER. Would you like to join us in a lawsuit? [Laughter.]

No, I withdraw that question.

Could you—you did refer to notes, rather extensive notes that you took. Are those notes in your possession?

Mr. KLEINDIENST. No, sir, they are not, and I have tried to find them.

For a hard-nosed 50-year-old geezer like myself, I was in kind of a state of shock from April 15 to April 29 and I don't know what happened to them, Senator Baker.

Senator BAKER. All right.

Well, let's try to reconstruct it for a little while and I hope somebody is keeping time on me because I don't want to run over 10 minutes.

Rather than go through a detail twice, that is, when you took notes, the second time when you told the President, let's talk about what you told the President.

Mr. KLEINDIENST. Well, I told him what I had written down on my notes.

Senator BAKER. All right. What was——

Mr. KLEINDIENST. I took copious notes.

Senator BAKER. What was that?

Mr. KLEINDIENST. Well, it was the summary of the statements made to me primarily by Mr. Silbert, what Mr. Magruder had been telling the prosecutors for a week and what Mr. Dean had been telling them for a week, and it was with respect to particular individuals. The primary thrust of it was the efforts made by many to—you used the term "coverup"—to cover up, you know, and to obstruct the FBI investigation of the Watergate incident during the summer. It described these meetings from Magruder's point of view with Mr. Mitchell, the three meetings. It—Mr. Dean apparently was telling them information and conduct by him that was completely inconsistent with everything that Mr. Dean was telling me from June 17 up until, you know, shortly before April 14.

I don't pretend to recall——

Senator BAKER. There are two or three points.

Let me try to reduce it to that. The information you received from the prosecutors on the early morning of April 15, 1973——

Mr. KLEINDIENST. Yes, sir.

Senator BAKER [continuing]. Essentially was a repeat of the Magruder and Dean testimony before the U.S. Attorney for the grand jury.

Mr. KLEINDIENST. That is all it was.

Senator BAKER. All right.

And in that I assume from the testimony we have received from Magruder and Dean they were saying in effect that they didn't know about it or—well, let me think now. Dean I guess would have said he

didn't know about it beforehand and began to suspect afterward and told the President or rather assumed that the President knew something in September 1972. I am thinking of the Dean testimony now.

Mr. KLEINDIENST. No.

Senator BAKER. Did that ever come out?

Mr. KLEINDIENST. To the best of my recollection the information given to me by Mr. Silbert did not and the notes I took did not in any way implicate the President of the United States.

Senator BAKER. Did you mention the September meeting?

Mr. KLEINDIENST. I can't recall any specific dates, Senator Baker.

Senator BAKER. If you had to judge would you say that there was any part of that conversation that said that the President knew or had reason to know of the—

Mr. KLEINDIENST. Nothing.

Senator BAKER [continuing]. Alleged coverup prior to March 1973?

Mr. KLEINDIENST. Nothing was said to me that night that would implicate the President of the United States, to my recollection.

Senator BAKER. We have evidence that Mr. Dean talked to the President in March. Now obviously the President knew something. I am not quite sure what Mr. Dean told the President. But we have his testimony before us.

Mr. KLEINDIENST. I don't know either. Mr. Petersen I understand is going to be called to testify. He has had quite a traumatic experience in this, too. I don't think as intense as mine. He has a very good memory and recollection and I think I would really rely or be willing to rely more on Henry's recollection of the information he got before that meeting and what they gave me that night.

Senator BAKER. All right.

Let's go to the meeting with the President, then, if we depend on Mr. Petersen to tell us what he told you and elaborate that subject matter further with that witness.

Mr. KLEINDIENST. All right.

Senator BAKER. I must ask you, Mr. Kleindienst, a little more about the President's reaction. Particularly, did he give the appearance of a man who received the impression the first time or one who had some familiarity with the subject matter.

Mr. KLEINDIENST. Well, he gave me the impression of a person who either received it from me the first time or at least contemporaneously. The reason why I put that qualification on it is as a result of Mr. Ehrlichman's telephone call to me the evening before at 5:30, and I would guess, and I am now speculating that based upon—you know the proximity of Mr. Ehrlichman to the President that if Magruder was up there in the White House Saturday afternoon telling them what he had been telling the U.S. Attorney's Office, I have just got to believe that Mr. Ehrlichman called up the President and said I have just talked to Magruder and I have got some very interesting information for you. But I know the President's attitude in response to the information that I gave him was such that it was at least of a contemporaneous knowledge and one of—well, he was just very upset about it and he was very concerned about it and he was very hurt by it and he was very troubled by it.

Senator BAKER. Did he make any statements that he had heard this from Dean before or hadn't or did he make any statements, "This

48. On April 15, 1973 at 8:41 a.m. Kleindienst attempted to reach the President by telephone to request an immediate meeting. The President returned Kleindienst's call at 10:13 a.m. and agreed to meet Kleindienst that afternoon.

	Page
48.1 President Nixon daily diary, April 15, 1973, Exhibit 20, <u>In re Grand Jury</u> , Misc. 47-73.....	874
48.2 Richard Kleindienst testimony, 9 SSC 3572-73, 3602.....	877

THE WHITE HOUSE		PRESIDENT RICHARD NIXON'S DAILY DIARY (See Travel Record for Travel Activity)		DATE (Mo., Day, Yr.) APRIL 15, 1973	
PLACE DAY BEGAN *Revised, 7/26/73 THE WHITE HOUSE WASHINGTON, D.C.		GOVERNMENT EXHIBIT 20		TIME DAY 12:09 a.m. SUNDAY	
TIME		PHONE P=Placed R=Received		ACTIVITY	
In	Out	To	LD		
12:09	12:16	P		The President talked with Army Vice Chief of Staff Gen. Alexander M. Haig, Jr.	
12:20	12:32	P		The President talked with television writer and producer Paul W. Keyes.	
12:33		P		The President telephoned his Press Secretary, Ronald L. Ziegler. The call was not completed.	
12:35	12:45	P		The President talked with his Assistant, Henry A. Kissinger.	
1:01	1:04	P		The President talked with Mr. Ziegler.	
8:41		R		The President was telephoned by Attorney General Richard G. Kleindienst. The President's Special Assistant, Stephen B. Bull, took the call.	
9:45				The President had breakfast.	
10:02		R		The President was telephoned by Mr. Kissinger. Mr. Bull took the call.	
10:13	10:15	R		The President talked with Attorney General Kleindienst.	
10:16	10:17	P		The President talked with Mr. Kissinger.	
10:35				The President went to the Oval Office.	
10:35?	11:15			The President met with his Assistant, John D. Ehrlichman.	
11:15				The President returned to the second floor Residence.	
11:17				The President and the First Lady went to the Yellow Oval Room.	
11:17	11:32			The President and the First Lady had coffee with: Rev. Edward V. Hill, pastor of the Mount Zion Missionary Baptist Church, Los Angeles, California Mrs. Edward V. Hill	
11:32				The Presidential party went to the East Room.	
11:33	12:07			The President and the First Lady hosted a worship service conducted by Rev. Mr. Hill. The Rochester Male Chorus of Rochester, Minnesota also participated in the service. For a list of guests, see <u>APPENDIX "A."</u>	

Source: Misc # 47-73 In re Grand Jury Proceedings

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

12:11 P.M. SUNDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	Lo	LD	
12:11				The President and the First Lady, accompanied by Rev. Mr. and Mrs. Hill, went to the State Dining Room. Enroute, they participated in a photo opportunity at the foot of the Grand Staircase. White House photographer, in/out
12:11	1:05			The President and the First Lady received their guests. Members of the press, in/out White House photographer, in/out
1:05				The President and the First Lady went to the Grand Hall.
1:05				The President and the First Lady participated in a photo opportunity with the Rochester Male Chorus. White House photographer, in/out
1:11				The President went to his office in the EOB.
1:12	2:22			The President met with Attorney General Kleindienst.
2:30 ?	3:30			The President met with Mr. Ehrlichman.
3:27	3:44	P		The President talked with his Assistant, H. R. Haldeman.
3:36		R		The President was telephoned by Attorney General Kleindienst. The call was not completed.
3:48	3:49	R		The President talked with Attorney General Kleindienst.
3:50		P		The President telephoned Mr. Rebozo. The call was not completed.
4:00	5:15			The President met with: Attorney General Kleindienst Henry E. Petersen, Assistant Attorney General
5:17		P		The President telephoned Mr. Ehrlichman. The call was not completed.
5:25				The President went to West Executive Avenue.
5:25	5:32			The President and Mr. Rebozo motored from the EOB to Pier One of the Washington Navy Yard. Enroute, the President greeted members of the crowd assembled at the north exit of West Executive Avenue.
5:32				The President and Mr. Rebozo boarded the <u>Sequoia</u> .

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

5:32 p.m. SUNDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	Lo	LD	
				The President and Mr. Rebozo were greeted by Lt. Cdr. Andrew J. Combe, Captain of the <u>Sequoia</u> .
5:37	7:24			The President went boating on the <u>Sequoia</u> . He was accompanied by: Mr. Rebozo Lt. Col. William L. Golden, Military Aide Maj. Gen. Walter R. Tkach, Personal Physician Manolo Sanchez, valet
7:24				The <u>Sequoia</u> docked at Pier One of the Washington Navy Yard.
7:34	7:42			The President and Mr. Rebozo motored from the Washington Navy Yard to West Executive Avenue.
7:43				The President returned to his office in the EOB.
7:50	9:15			The President met with: Mr. Ehrlichman Mr. Haldeman
8:14	8:18	P		The President talked with Mr. Petersen.
8:25	8:26	P		The President talked with Mr. Petersen.
9:17	10:12			The President met with his Counsel, John W. Dean III.
9:39	9:41	P		The President talked with Mr. Petersen.
10:16	11:15			The President met with: Mr. Haldeman Mr. Ehrlichman
11:21				The President returned to the second floor Residence.
11:45	11:53	P		The President talked with Mr. Petersen.

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strict judge. The way we had allocated it, it was their turn to come up with one and I wanted to suppress my pleasure to those two Senators for fear it might prejudice Matt. He is an outstanding judge. And then I think I gave him those qualities. He is a bachelor, he is about 40 years of age, he is dedicated to the law, and as I said in these troubled times as a result of Watergate, as a result of Pat Gray's misfortunes, that this would be regarded I think with complete credibility, there could be no charge of politics because of his bona fides as a Democrat, and then I said you will have a man who will be fair and forthright and honest in this job.

I don't know whether Mr. Ehrlichman suggested to me that I contact Mr. Byrne or not. I do know that in that conversation, I said, or I believe that I did, my recollection is that I have not talked to Matt Byrne since the Ellsberg trial started. I said I expressed good wishes to him through mutual friends in Los Angeles, but that he and I have just not talked together since the Ellsberg trial started. Neither one of us wanted, at least I, and I am sure he felt that we wanted anybody to think from the appearance of justice I was going in his back chambers and trying to get some special consideration for the Government in that very significant and vital case.

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That is what I recollect of the Byrne incident.

Mr. DORSEN. I just want to allude to a few of the subsequent events briefly at that time, however important they are. I do not want to pursue it in detail now, but am I correct that on the early morning hours of April 15, 1973, you had a meeting with Mr. Petersen, U.S. Attorney Harold Titus and the prosecutors at your home?

Mr. KLEINDIENST. It was just one of the prosecutors and that was the chief prosecutor, Mr. Silbert.

Mr. DORSEN. Am I correct that this meeting dealt with the disclosure of Mr. Magruder and Mr. Dean to the prosecutors?

Mr. KLEINDIENST. Yes, sir.

Mr. DORSEN. Following that meeting, am I correct that you made an appointment to see the President later in the day on April 15, 1973?

Mr. KLEINDIENST. That meeting commenced at approximately 1 o'clock in the morning, it terminated around 5 o'clock in the morning.

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Mr. DORSEN. Now, am I correct that at least part of the meeting was devoted to briefing the President and that one of the decisions made on the afternoon of April 15 by you would be that you would in effect withdraw from the supervision of the prosecution of the Watergate case?

Mr. KLEINDIENST. The whole meeting was devoted solely to talking about the information that I had obtained that night and the consequences that inevitably must flow from it.

Mr. DORSEN. Now, I would like to show to you a document which you provided the committee dated April 15, 1973. The first page is typewritten. The page under it is handwritten. I ask if you can identify that for the committee?

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I then Xeroxed a copy of my handwritten statement and gave it to him and I kept the original. And this is it—the top document that you handed me is a typed document of my handwritten document.

Mr. DORSEN. Mr. Chairman, I request that the document identified and summarized by Mr. Kleindienst be admitted into evidence.

Senator ERVIN. It will be received and appropriately marked as an exhibit and admitted in evidence as such.

[The document referred to was marked exhibit No. 145.*]

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Mr. KLEINDIENST. It is a technical word used by lawyers and particularly those in Government service which signifies that for one reason or another, usually ethical reasons, that you withdrew from any further participation in a particular matter.

*See p. 3560.

Justice, could it be possible that he was talking to the U.S. District Attorney downtown?

Mr. KLEINDIENST. No. I construe that statement as of March 21, Senator Montoya, to mean that he was having, as I learned subsequently, Mr. Ehrlichman, conduct an in-house investigation. That is—based upon what Mr. Ehrlichman told me Saturday evening, April 14, that is what I would assume the investigation was; an in-house non-Department of Justice investigation.

Senator MONTOKA. Well, Mr. Ehrlichman testified that there was really no investigation going on on his part and Mr. Dean has also indicated that he was just going around trying to find out what was being done, that is all. But the actual investigation was being conducted by the Department of Justice.

Mr. KLEINDIENST. We never stopped our investigation. At no time did the Department of Justice ever consider that the Watergate case was closed.

Senator MONTOKA. Now, did it ever occur to you that you might visit the President and inform him as to what you might be reading in the newspapers and what curiosity was being aroused in your mind as to possible implication on the part of people at the White House or at the Committee To Re-Elect the President?

Mr. KLEINDIENST. I didn't have any reason to do that. There were people up there who read the newspapers and can brief the President on that.

Senator MONTOKA. Yes; but you were in charge of the Federal investigation and you were the Attorney General—

Mr. KLEINDIENST. Senator Montoya—

Senator MONTOKA [continuing]. Of the United States.

Mr. KLEINDIENST. With God as my witness, not until the night of April 14 or between the hours of 1 and 5 o'clock in the morning in my home on Sunday, April 15, was I ever given any credible evidence by anybody that would indicate the criminal culpability or complicity of any top White House or campaign people in this entire matter.

Senator MONTOKA. Were you—

Mr. KLEINDIENST. And as soon as I got that information, I immediately set in motion a meeting with the President of the United States.

Senator MONTOKA. You were being briefed quite constantly at the Department of Justice about the state of the investigation—

Mr. KLEINDIENST. Yes, sir.

Senator MONTOKA. Were you not?

Mr. KLEINDIENST. Yes, sir.

Senator MONTOKA. And wasn't there any evidence indicating complicity on the part of people at the CRP?

Mr. KLEINDIENST. No, sir.

Senator MONTOKA. Any evidence brought to your attention?

Mr. KLEINDIENST. No, sir. Henry Petersen and I speculated almost constantly, particularly after the trial and Judge Sirica sentencing procedures, that it was just possible that Gordon Liddy or Mr. Hunt or one of the five, if we could get them before a grand jury, give them immunity and compel them to testify, could have evidence to offer that would involve somebody else. But I remember Henry Petersen saying to me even after the McCord statement, that standing by

49. On April 15, 1973 John Ehrlichman met with Gordon Strachan from approximately 10:00 a.m. to 10:35 a.m. and 11:15 a.m. to noon. They discussed Strachan's recollection of his contacts with Magruder and Haldeman relating to Watergate. Ehrlichman has testified that he confronted Strachan with Magruder's allegation about sending Strachan a budget which included specific reference to bugging, and that Strachan said that he was sure he had never seen anything like that. Ehrlichman's notes of his meeting with Strachan reflect a reference to a memorandum from Strachan to Haldeman stating a sophisticated intelligence operation is going with a 300 budget.

	Page
49.1 John Ehrlichman deposition, <u>Democratic National Committee v. McCord</u> , May 22, 1973, 46-54.....	882
49.2 John Ehrlichman notes of a meeting with Gordon Strachan, April 15, 1973, SSC Exhibit No. 98, 7 SSC 2918-21.....	891
49.3 John Ehrlichman testimony, 7 SSC 2767-69.....	895
49.4 President Nixon daily diary, April 15, 1973, Exhibit 20, <u>In re Grand Jury</u> , Misc. 47-	898
49.5 Memorandum from Tom Hart to Jack Nesbitt, July 24, 1973, Exhibit 29, <u>In re Grand Jury</u> , Misc. 47-73.....	901

MR. STRICKLER: I would direct the witness not to answer the question.

THE WITNESS: I shall comply.

BY MR. DUNIE:

Q Did you ever discuss with Mr. Gordon Strachan the gathering of political intelligence from Mr. O'Brien or his office?

A This is any discussion prior to June?

Q Yes.

A The answer is "no."

MR. DUNIE: So we don't have to keep addressing questions, when I say Mr. O'Brien or his office I always mean anything involving Mr. O'Brien.

Do we understand each other now, Mr. Ehrlichman?

THE WITNESS: Yes.

BY MR. DUNIE:

Q Subsequent to June 17 of 1972 did you ever discuss with Mr. Gordon Strachan the gathering of political intelligence--

MR. STRICKLER: Objection.

Q --which occurred prior to June 17th of 1972, against the Democratic Party?

MR. STRICKLER: You may answer that question.

THE WITNESS: Yes, I did.

MR. STRICKLER: Democratic National Headquarters?

MR. DUNIE: Democratic National Headquarters. I beg your pardon.

MR. STRICKLER: You may answer that.

THE WITNESS: Yes, I did.

BY MR. DUNIE:

Q Approximately when was that conversation held?

A That was sometime in the month of April, 1973. I believe around the 15th or 16th of April.

Q Was there more than one such conversation?

A In general only one that would be responsive to your question.

Q Was this a face to face conversation or a telephone conversation?

A Face to face.

Q Where did it take place?

A In my office.

Q Was there anyone else present?

A No.

Q And did that conversation relate back to events prior to June 17th?

A Yes, it did.

Q Will you tell us, please, what was said by each of

you?

A I explained to Mr. Strachan that I was gathering information for the President; that I had been assigned by the President to bring to him all of the information that I could gather on the subject of the events leading up to the break-in, any possible White House involvement, and any evidence that I could adduce relating to attempts to cover up the matter afterward.

I asked him to provide me with any information that he could, particularly relating to the involvement of White House people but also to give me a feel for what he knew about the events which transpired.

Then --

MR. STRICKLER: Now at this point I would like to caution the witness and advise the attorneys that your discussions with Mr. Strachan pertaining to the post June 17th matter fall within the relevancy objection.

So, feel free to testify as to everything concerning the pre June 17th matter but nothing subsequent thereto.

MR. DUNIE: Continue, please.

THE WITNESS: Yes.

Mr. Strachan advised me that he was assigned as a staff liason to the Committee to acquaint himself with the current

operations of the re-election effort and to keep Mr. Haldeman advised from time to time as needed of what was going on at the Re-Election Committee.

He said that he had had some conversations with Mr. Magruder at the Committee with regard to whether or not Gordon Liddy should remain employed at the Committee.

He told me that Mr. Magruder and Mr. Liddy were not on good terms; that at one point in time Mr. Magruder had transferred Mr. Liddy from his direct area of operation --from Magruder's area of operation -- to the Finance Committee and that he had subsequently been reassigned to Magruder's area of operation; that he, Strachan --

I asked Strachan, based on information that I had already developed in the course of this investigation whether or not he had ever received any budgets or memoranda or other material which would indicate that a bugging operation or electronic surveillance was going to take place.

He stated that he had not received such material.

I asked him whether he had ever received anything which would have indicated to him that such a surveillance operation was underway, that is the fruits of a bugging operation.

He said in retrospect he could recall having received prior to the knowledge of the break-in itself --that he could

recall having received some synopses which might have been the fruits of such an investigation or a surveillance or not.

In other words, it was ambiguous sofar as he was concerned

I asked him whether he had ever seen any memoranda which bore the code names that you have suggested earlier, and he said not, that he had never seen anything bearing those designations.

Q Did you ever ask him the cord word "Gemstone"?

A Yes, I did.

I asked him what he did with the material as it came over from the Committee which he obtained.

He said ordinarily he held it, that from time to time material which he felt was important for Mr. Haldeman to see he would show him or send to him to read.

I asked him whether he had ever sent the synopses to Mr. Haldeman to read --that he now thought might have been the fruits of electronic surveillance.

He said that he wasn't sure whether Mr. Haldeman had ever read those or not.

I then asked him if he had any personal knowledge of any of the events leading up to the break-in itself.

He said that at some point in time he had been informed by Mr. Magruder that an intelligence operation in fact had

been established. He did not equate that with electronic surveillance necessarily. There had been a great many efforts apparently to get some kind of information gathering facility developed at the Committee to Re-Elect over a period of months and that for one reason or another it never got put together and so finally Jeb Magruder reported to him that such an entity did exist and it was capable of securing information and I didn't ask Strachan what kind of information, so he didn't tell me.

The remainder of our conversation, I think to the best of my recollection, falls within the area Mr. Strickler has referred to.

Q That is the events which occurred after June 17, 1972?

A Yes.

Q Now at the time that this conversation was held with Mr. Strachan in mid-April, 1973 had you been assigned to conduct an investigation into the "Watergate Affair"?

A Yes, I had.

Q Did that instruction come from the President?

A Yes.

Q Was there anyone else assigned to that investigation at the White House?

A Not that I know of, not at that time.

Q And did you conduct that investigation by speaking to various persons whose names had arisen in the press or whose names had come to you through other methods, through other sources?

A Yes, I talked to a number of people.

Q In your conversation with Mr. Strachan did you ask him anything concerning funds from the Finance Committee and whether he had received any such funds?

A Yes, I did.

Q Prior to June 17 of 1972?

A Yes.

Q And will you tell us, please, that portion of your conversation with him?

A He told me that prior to the operative date of the new Campaign Finance Law that a fund had been established for political polling ^{of} \$350,000; that, I believe, Strachan took delivery of that money and caused it to be placed in a safety deposit box and I am not clear whether he told me whether any of it had been withdrawn prior to this June date or not. So I wouldn't be in a position to say whether I am getting outside the bounds here or not in talking about withdrawals.

Q Do you know, physically, in terms of the community

where that safe deposit box was located?

A I believe it was located in Arlington. I am not sure.

I don't know. I am not sure Strachan told me that. Somebody told me that.

Q Do you know whether Mr. Strachan indicated to you that he had turned that money over to anyone else?

A Yes.

Q To whom had he turned it over?

A I don't know the man's name.

Q Did you ask him the man's name?

A No. He volunteered his identity, characterized him as a friend of Alex Butterfield.

Q Who was Alex Butterfield?

A At that time, when he received the money, he was a member of the White House staff.

Q He did not indicate Mr. Butterfield personally received the money however, did he?

A No, I don't believe he did.

Q Did he indicate he knew the man who had been recommended to him by Mr. Butterfield to receive this \$350,000?

A I don't recall whether he did or not.

Q Did he indicate to you whether that money had ever

been kept at the White House for any period of time?

A Prior to June 17 I don't believe he did.

Q Did he indicate to you they had received an additional \$22,000 on or about November 28 of 1972?

MR. STRICKLER: I object on the ground of relevancy.

Suggest the witness not answer the question.

THE WITNESS: I shall comply.

BY MR. DUNIE:

Q Did he tell you who authorized the withdrawal of the \$350,000 from the Finance Committee?

A No.

Q I think you indicated yesterday that you did do some work on the political campaign in a certain context.

Do you know who was authorized to withdraw such large sums of money from the Finance Committee prior to June 17 of 1972?

MR. STRICKLER: For the sake of the accuracy of the record, I appreciate your qualification on the end.

Has it been established this money was withdrawn from the Finance Committee?

MR. DUNIE: Yes, I think --

MR. STRICKLER: This is a question that seems to be assumed here.

2918

Guido: S Khan 4-15-73 my off
10AM 2 (inter. by - mfg)
to noon

3/12 Lid threatened Regatta
JSM memo to JNM -

must control intell opn
Lid promising for that
JNM, H & S: 2 to S:
get seg under Lid control

H to S =

see Liddy

T for opn - Muskie to McGov

"whatever your capabilities are

Dean - Krogh strong rec
Lid given a raise over WH
salary when went to
Comm

27,500 to 30,000
H approved - an exception -
H obj to Magruder
feeling WH people
at higher salary -

S talked to Krogh & Dean
K told Lid he'd get the raise

Based on need -

implies
more useful than here

2919

Initial discussions
Summer '71 on
Proposals surfaced & died

eg Andwedge

Dean pro & con Caulfield

H - JNM mfgs -
This always the unresolved Q.

Someone would grab it -
"we ought to do it" -

H - Dean
Sometimes S

Mardian proposed -

Sr unaware of the Dean mfgs -

S to H
The L.C. - Mags find a prob in
The intell capability
Mardian take over

H = let Dean handle -
you stay away from it

This all pre - may

2920

S to H memo

a. H "A sophisticated
intell opn is going w/a
300 budget"

A tab - ^{carbon copy} Dedan chain II"
list info

Reliable sources are reported to
have said

Mon after 6/17 showed it to H
? if he ever read the tab -

get maybe, 3 carbons -

get no "Gemstone"

Don't know if Wgate the source of
True -

2921

Don't remember seeing a budget
w/ "bugs" on it -

E: use your best recoll

May asked me to say I asked
him to keep Lid on -

It's not so -
He gave passionate pitch about his
family -

⊖: May not be decision-maker -

ask nothing w/ doc photographs
attached -

Senator MONTTOYA. Well, what particular assignment did he have during the campaign? I understood that he was going from Mr. Haldeman's office to the CRP and back and forth. Did you know of this assignment?

Mr. EHRLICHMAN. No, sir.

Senator MONTTOYA. Have you since found out about this assignment?

Mr. EHRLICHMAN. In the course of these hearings I have learned a great deal more than I ever learned when I was in the White House.

Senator MONTTOYA. You mean you did not find out while you were at the White House about Mr. Strachan's assignment?

Mr. EHRLICHMAN. I knew almost nothing about the scope of Mr. Strachan's assignment while he was in the White House until late, you know, in the March-April period, when I got into it and I began interviewing people and he was one of the people I interviewed.

Senator MONTTOYA. What did you find out about him?

Mr. EHRLICHMAN. At that time?

Senator MONTTOYA. Yes.

Mr. EHRLICHMAN. That he was the liaison man between Mr. Haldeman and the Committee To Re-Elect for the purpose of keeping both ends of his liaison informed of the acts and desires of the other.

Senator MONTTOYA. Did you know him?

Mr. EHRLICHMAN. Yes, sir.

Senator MONTTOYA. Did you know him to be a very reliable young man?

Mr. EHRLICHMAN. Well, I did not know him well enough to form an opinion as to his reliability.

Senator MONTTOYA. If he conveyed anything to the CRP or brought anything to Mr. Haldeman from the CRP, would you say that he was carrying out his assignment properly?

Mr. EHRLICHMAN. I could not speculate as to that, sir.

Senator MONTTOYA. Why can't you?

Mr. EHRLICHMAN. Well, I just do not have that kind of knowledge. Now, so far as reliability is concerned, something occurs to me that perhaps you ought to know. My first interview with Mr. Strachan was on the occasion of his having just returned from the grand jury, and he came in rather shaken and told me that he did not know what to do, and he was looking for somebody to give him some advice. He said that he had just come back from testifying to the grand jury that he had delivered \$350,000 to Mr. LaRue, and he said:

As soon as I left there I knew that was wrong. I had not delivered \$350,000 to Mr. LaRue, I had delivered some lesser sum because I remember that they took some money out or I took some money out.

I have forgotten how he put it, but some money had been taken out for advertising. "What should I do?" And I said, "Well, do you have an attorney," and he said, "No, I do not," and I said:

That is the first thing I think you ought to do, is get some advice. The second thing, it seems to me, that you ought to do, subject to your attorney's advice, is to go and tell the prosecutor you think you have made a mistake in your testimony.

But that is probably the only real gage I have of Mr. Strachan's testimonial reliability.

Senator MONTTOYA. Then, what did you find out about—what conclusion did you reach with respect to Mr. Strachan as a result of the interviews that you had?

Mr. EHRLICHMAN. What he told me in the second interview I had with him I felt was correct and the truth and that he was trying very hard to tell me everything he knew. I had a favorable impression of what he told me, that is, of the—of his attempt to tell the truth.

Senator MONTAYA. The point I am trying to make is, did you reach any conclusion from the interviews with respect to him as to whether or not he was involved either in the pre-June 17 complicity or after?

Mr. EHRLICHMAN. I see. He told me that he had received from the Committee To Re-Elect notice that they had an intelligence capability. He—and I confronted him with what Mr. Magruder had alleged which was that Mr. Magruder had sent over to him a budget which included specific reference to bugging and he said no he would have remembered if anything like that had come over. He was sure he had never seen anything like that. He said that he did receive from Mr. Magruder some material designated Sedan Chair, and it looked to him like synopses of wiretap information. Of course, we have learned since that Sedan Chair was not a wiretap but that was the only thing he said he received. He said he got no Gemstone material at all.

Senator MONTAYA. Mr. Ehrlichman, I am just interested in what you concluded as a result of the interviews with respect to these individuals.

Mr. EHRLICHMAN. All right. My conclusion with regard to Mr. Strachan was that he was a messenger, that he was not an active planner or executor of any plan but simply a conveyor back and forth.

Senator MONTAYA. All right. Now what conclusion did you reach with respect to Mr. Kalmbach?

Mr. EHRLICHMAN. My conclusion after talking with Mr. Kalmbach, as you will see in this memorandum that we have now given the staff, I take it, perhaps it is best if I simply read you a short portion of that as my then contemporaneous conclusion. That will probably be the best evidence. Do you have that, counsel?

Mr. WILSON. I gave them the only copy I had.

Mr. EHRLICHMAN. Do you want to read it?

Senator MONTAYA. Let me, I am running out of time now.

Mr. EHRLICHMAN. All right, very shortly, Senator—

Senator MONTAYA. I merely wanted to get an indication as to what kind of an inquiry you had conducted with respect to each individual.

Mr. EHRLICHMAN. All right. My inquiry with him was as to his money-raising efforts and whether or not he knew, either directly or whether he knew circumstances surrounding his efforts which might have put him on notice that he was engaged in an effort to buy the silence of defendants and I was satisfied that he did not know.

Senator MONTAYA. All right, what inquiry did you make about Mr. Kalmbach?

Mr. EHRLICHMAN. I interviewed Mr. Kalmbach.

Senator MONTAYA. Just briefly, what inquiry did you—you interviewed him?

Mr. EHRLICHMAN. Yes, sir.

Senator MONTAYA. All right. And you taped his conversation?

Mr. EHRLICHMAN. No, sir. I made this memorandum afterward which I have given to the staff.

Senator MONTAYA. All right.

Mr. EHRLICHMAN. In that I think you will see that it's my conclusion that he acted in the best of faith thinking that he was simply engaged in raising money for the defense fund purposes that he has testified to.

Senator MONTOYA. All right. Then how many interviews did you conduct as a result of your being commissioned by the President to go into this?

Mr. EHRLICHMAN. Well, let me refer to my list again. Ten.

Senator MONTOYA. Ten?

Mr. EHRLICHMAN. Yes, sir.

Senator MONTOYA. How long did it take you to conduct these interviews?

Mr. EHRLICHMAN. Well, I did this in the period between April 5 and April 14.

Senator MONTOYA. The President indicated that he had also—

Mr. EHRLICHMAN. Excuse me, I am sorry, Senator, April 15, I beg your pardon because I saw Mr. Strachan at 9 o'clock on Sunday morning the 15th.

Senator MONTOYA. All right.

Now, what was this statement of the President all about when he stated that on March 21 as a result of serious charges "which came to my attention, some of which were publicly reported, I began intensive new inquiries into this whole matter."

What did he mean by that?

Mr. EHRLICHMAN. Well, I think what he meant by that was the series of events starting March 21 and culminating April 17 which would have been his conversation with Mr. Dean on the 21st; the McCord letter to Judge Sirica on what, the 23d or whatever it was; his sending Mr. Dean to Camp David to write out his statement; Mr. Dean's return without the statement; his turning the investigation over, taking it from Mr. Dean, his turning the inquiry over to me; my efforts to talk to witnesses through this time; the parallel efforts, and I don't mean to in any way diminish the efforts of the investigators in the Department of Justice and in the prosecutor's office who were doing an extraordinarily effective job right at this time.

You see, when I talked to Mr. Magruder, for instance, he had already been to see the U.S. attorney and told him everything as a result of their efforts. So these were all parallel efforts going on and there was a lot of reporting. The President had his meeting with the Attorney General and Mr. Petersen on that Sunday, and they compared notes as to all of these investigations, and then this all came to a head on that following Tuesday.

Senator MONTOYA. Would you then say that up until March you were convinced, and the President was convinced in the White House that there was no White House involvement?

Mr. EHRLICHMAN. Yes, sir.

Senator MONTOYA. You were convinced up to that time?

Mr. EHRLICHMAN. Yes, sir, and I was saying that all across the country because I believed it.

Senator MONTOYA. And you kept saying this to the President on the basis of information which you were receiving from Mr. Dean and others?

Mr. EHRLICHMAN. In the best of faith, yes, sir.

49.4 PRESIDENT NIXON DAILY DIARY, APRIL 15, 1973, EXHIBIT 20,
IN RE GRAND JURY, MISC. 47-73

THE WHITE HOUSE		PRESIDENT RICHARD NIXON'S DAILY DIARY (See Travel Record for Travel Activity)		
PLACE DAY PLUG *Revised, 7/26/73 THE WHITE HOUSE WASHINGTON, D.C.		DATE (Mo., Day, Yr.) APRIL 15, 1973 TIME DAY 12:00 a.m. SUNDAY		
TIME		PHONE P. Placed R. Received		
In	Out	To	ID	
12:09	12:16	P		The President talked with Army Vice Chief of Staff Gen. Alexander M. Haig, Jr.
12:20	12:32	P		The President talked with television writer and producer Paul W. Keyes.
12:33		P		The President telephoned his Press Secretary, Ronald L. Ziegler. The call was not completed.
12:35	12:45	P		The President talked with his Assistant, Henry A. Kissinger.
1:01	1:04	P		The President talked with Mr. Ziegler.
8:41		R		The President was telephoned by Attorney General Richard G. Kleindienst. The President's Special Assistant, Stephen B. Bull, took the call.
9:45				The President had breakfast.
10:02		R		The President was telephoned by Mr. Kissinger. Mr. Bull took the call.
10:13	10:15	R		The President talked with Attorney General Kleindienst.
10:16	10:17	P		The President talked with Mr. Kissinger.
10:35				The President went to the Oval Office.
10:35?	11:15			The President met with his Assistant, John D. Ehrlichman.
11:15				The President returned to the second floor Residence.
11:17				The President and the First Lady went to the Yellow Oval Room.
11:17	11:32			The President and the First Lady had coffee with: Rev. Edward V. Hill, pastor of the Mount Zion Missionary Baptist Church, Los Angeles, California Mrs. Edward V. Hill
11:32				The Presidential party went to the East Room.
11:33	12:07			The President and the First Lady hosted a worship service conducted by Rev. Mr. Hill. The Rochester Male Chorus of Rochester, Minnesota also participated in the service. For a list of guests, see APPENDIX "A."

PRESIDENT RICHARD NIXON'S DAILY DIARY (See Travel Record for Travel Activity)				
DAY BEGAN				DATE (Mo., Day, Yr.)
THE WHITE HOUSE WASHINGTON, D.C.				APRIL 15, 1973
				TIME DAY
				12:11 p.m. SUNDAY
TIME		PHONE Placed Received		ACTIVITY
In	Out	Lo	LD	
12:11				The President and the First Lady, accompanied by Rev. Mr. and Mrs. Hill, went to the State Dining Room. Enroute, they participated in a photo opportunity at the foot of the Grand Staircase. White House photographer, in/out
12:11	1:05			The President and the First Lady received their guests. Members of the press, in/out White House photographer, in/out
1:05				The President and the First Lady went to the Grand Hall.
1:05				The President and the First Lady participated in a photo opportunity with the Rochester Male Chorus. White House photographer, in/out
1:11				The President went to his office in the EOB.
1:12	2:22			The President met with Attorney General Kleindienst.
2:30 ?	3:30			The President met with Mr. Ehrlichman.
3:27	3:44	P		The President talked with his Assistant, H. R. Haldeman.
3:36		R		The President was telephoned by Attorney General Kleindienst. The call was not completed.
3:48	3:49	R		The President talked with Attorney General Kleindienst.
3:50		P		The President telephoned Mr. Rebozo. The call was not completed.
4:00	5:15			The President met with: Attorney General Kleindienst Henry E. Petersen, Assistant Attorney General
5:17		P		The President telephoned Mr. Ehrlichman. The call was not completed.
5:25				The President went to West Executive Avenue.
5:25	5:32			The President and Mr. Rebozo motored from the EOB to Pier One of the Washington Navy Yard. Enroute, the President greeted members of the crowd assembled at the north exit of West Executive Avenue.
5:32				The President and Mr. Rebozo boarded the <u>Sequoia</u> .

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

5:32 p.m. SUNDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE Placed Rcvd		ACTIVITY
In	Out	Lo	ID	
				The President and Mr. Rebozo were greeted by Lt. Cdr. Andrew J. Combe, Captain of the <u>Sequoia</u> .
5:37	7:24			The President went boating on the <u>Sequoia</u> . He was accompanied by: Mr. Rebozo Lt. Col. William L. Golden, Military Aide Maj. Gen. Walter R. Tkach, Personal Physician Manolo Sanchez, valet
7:24				The <u>Sequoia</u> docked at Pier One of the Washington Navy Yard.
7:34	7:42			The President and Mr. Rebozo motored from the Washington Navy Yard to West Executive Avenue.
7:43				The President returned to his office in the EOB.
7:50	9:15			The President met with: Mr. Ehrlichman Mr. Haldeman
8:14	8:18	P		The President talked with Mr. Petersen.
8:25	8:26	P		The President talked with Mr. Petersen.
9:17	10:12			The President met with his Counsel, John W. Dean III.
9:39	9:41	P		The President talked with Mr. Petersen.
10:16	11:15			The President met with: Mr. Haldeman Mr. Ehrlichman
11:21				The President returned to the second floor Residence.
11:45	11:53	P		The President talked with Mr. Petersen.

THE WHITE HOUSE
WASHINGTON

July 24, 1973

MEMORANDUM FOR: MR. JACK NESBITT
Presidential Papers

FROM: TOM HART T.

SUBJECT: President's Daily Diary -
April 15, 1973

Your office has called my attention to the President's Daily Diary of April 15, 1973, particularly the discrepancies therein with certain individuals meeting the President and has asked for clarification on these points. I will try to give these clarifications to you to the best of my knowledge and recollection together with conversations I have had with others and their knowledge and recollection concerning this day.

1. The diary shows the President going to the Oval Office from the Residence at 10:35 a.m. and departing the Oval Office at 11:15 a.m. and returning to the Residence. There is an accompanying note from the Secret Service which states: "No meetings in Oval Office between 10:35 - 11:15 a.m." The President, in fact, did meet with John Ehrlichman in the Oval Office during this period of time. It probably went unnoticed by the Secret Service as Mr. Ehrlichman would probably have entered through the private door in Mr. Bull's office. I arrived at my office at approximately 11:00 a.m. and met Manolo Sanchez there. He told me that the President was meeting with Mr. Ehrlichman at that time. Mr. Sanchez and myself waited for the President to leave as we knew he was expected at the Yellow Oval Room on the second floor of the Residence to have coffee with the Reverend E.V.

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Hill who was the Minister for the White House Worship Service that same morning. The President did leave his office at 11:15 a.m. and returned to the Residence alone. We were not sure exactly when Mr. Ehrlichman entered the Oval Office but it apparently was sometime between 10:35 and 11:00 a.m. when I had arrived. Mr. Sanchez confirms this information.

2. The diary shows that the President met with Attorney General Kleindienst beginning at 1:12 p.m. The Attorney General was over in the EOB outer office waiting for the President to arrive and as soon as he arrived they went in together. This is confirmed by Mr. Bull and Mr. Sanchez. The diary shows that the President met with John Ehrlichman at 1:24 until 3:30 p.m. Mr. Sanchez has told me that he recalls that Attorney General Kleindienst met with the President alone until he left and then approximately five or ten minutes after he left Mr. Ehrlichman came in and met with the President alone. Therefore, I believe that Mr. Ehrlichman met with the President at some point after the Attorney General left at 2:22 p.m. The EPS log showed Mr. Ehrlichman in at 1:24 p.m. It probably should have read 2:24 p.m. Mr. Sanchez recalls that Mr. Ehrlichman met with the President alone for forty-five minutes to an hour.
3. The diary shows that the President met with Mr. Rebozo from 3:25 until some time after 5:00 p.m. This is erroneous as Mr. Rebozo did not meet with the President that afternoon. This information probably came from the EPS log which shows that Mr. Rebozo entered the complex of EOB offices at that time but to the recollection of Mr. Sanchez and of Colonel Golden who was the duty Military Aide that day, Mr. Rebozo waited outside the President's EOB office with Colonel Golden and Mr. Sanchez until shortly after 4:00 p.m. when Attorney General Kleindienst and Assistant Attorney General Henry Petersen entered to meet with the President. Mr. Rebozo then returned to the Residence. Mr. Rebozo did accompany the President when he left his EOB office at 5:25 p.m. to go out for a boat ride on the Sequoia. I believe that these discrepancies have arisen in the log because of the fact that the true times

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50. On April 15, 1973 the President met with John Ehrlichman from 10:35 to 11:15 a.m. Ehrlichman reported that he was meeting with Strachan. There was a discussion of the motive for payments to the defendants and of what Dean's defense might be to obstruction of justice charges.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

	Page
50.1 President Nixon daily diary, April 15, 1973, Exhibit 20, <u>In re Grand Jury</u> , Misc. 47-73.....	906
50.2 Memorandum from Tom Hart to Jack Nesbitt, July 24, 1973, Exhibit 29, <u>In re Grand Jury</u> , Misc. 47-73.....	909
50.3 House Judiciary Committee staff summary of White House edited transcript of a meeting between the President and John Ehrlichman from 10:35 to 11:15 a.m., April 15, 1973.....	912

50.1 PRESIDENT NIXON DAILY DIARY, APRIL 15, 1973, EXHIBIT 20,
IN RE GRAND JURY, MISC. 47-73

THE WHITE HOUSE		PRESIDENT RICHARD NIXON'S DAILY DIARY (See Travel Record for Travel Activity)		DATE (Mo., Day, Yr.) APRIL 15, 1973
PLACE DAY BEGAN *Revised, 7/26/73 THE WHITE HOUSE WASHINGTON, D.C.		GOVERNMENT EXHIBIT 20		TIME DAY 12:09 a.m. SUNDAY
TIME		PHONE Placed Received	ACTIVITY	
In	Out	To	ID	
12:09	12:16	P		The President talked with Army Vice Chief of Staff Gen. Alexander M. Haig, Jr.
12:20	12:32	P		The President talked with television writer and producer Paul W. Keyes.
12:33		P		The President telephoned his Press Secretary, Ronald L. Ziegler. The call was not completed.
12:35	12:45	P		The President talked with his Assistant, Henry A. Kissinger.
1:01	1:04	P		The President talked with Mr. Ziegler.
8:41		R		The President was telephoned by Attorney General Richard G. Kleindienst. The President's Special Assistant, Stephen B. Bull, took the call.
9:45				The President had breakfast.
10:02		R		The President was telephoned by Mr. Kissinger. Mr. Bull took the call.
10:13	10:15	R		The President talked with Attorney General Kleindienst.
10:16	10:17	P		The President talked with Mr. Kissinger.
10:35				The President went to the Oval Office.
10:35?	11:15			The President met with his Assistant, John D. Ehrlichman.
11:15				The President returned to the second floor Residence.
11:17				The President and the First Lady went to the Yellow Oval Room.
11:17	11:32			The President and the First Lady had coffee with: Rev. Edward V. Hill, pastor of the Mount Zion Missionary Baptist Church, Los Angeles, California Mrs. Edward V. Hill
11:32				The Presidential party went to the East Room.
11:33	12:07			The President and the First Lady hosted a worship service conducted by Rev. Mr. Hill. The Rochester Male Chorus of Rochester, Minnesota also participated in the service. For a list of guests, see APPENDIX "A."

Source: Misc #47-73 In re Grand Jury Proceedings

50.1 PRESIDENT NIXON DAILY DIARY, APRIL 15, 1973, EXHIBIT 20,
IN RE GRAND JURY, MISC. 47-73

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

12:11 p.m. SUNDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	Lo	LD	
12:11				The President and the First Lady, accompanied by Rev. Mr. and Mrs. Hill, went to the State Dining Room. Enroute, they participated in a photo opportunity at the foot of the Grand Staircase. White House photographer, in/out
12:11	1:05			The President and the First Lady received their guests. Members of the press, in/out White House photographer, in/out
1:05				The President and the First Lady went to the Grand Hall.
1:05				The President and the First Lady participated in a photo opportunity with the Rochester Male Chorus. White House photographer, in/out
1:11				The President went to his office in the EOB.
1:12	2:22			The President met with Attorney General Kleindienst.
2:30 ?	3:30			The President met with Mr. Ehrlichman.
3:27	3:44	P		The President talked with his Assistant, H. R. Haldeman.
3:36		R		The President was telephoned by Attorney General Kleindienst. The call was not completed.
3:48	3:49	R		The President talked with Attorney General Kleindienst.
3:50		P		The President telephoned Mr. Rebozo. The call was not completed.
4:00	5:15			The President met with: Attorney General Kleindienst Henry E. Petersen, Assistant Attorney General
5:17		P		The President telephoned Mr. Ehrlichman. The call was not completed.
5:25				The President went to West Executive Avenue.
5:25	5:32			The President and Mr. Rebozo motored from the EOB to Pier One of the Washington Navy Yard. Enroute, the President greeted members of the crowd assembled at the north exit of West Executive Avenue.
5:32				The President and Mr. Rebozo boarded the <u>Sequoia</u> .

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

5:32 p.m. SUNDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	Lo	ID	
				The President and Mr. Rebozo were greeted by Lt. Cdr. Andrew J. Combe, Captain of the <u>Sequoia</u> .
5:37	7:24			The President went boating on the <u>Sequoia</u> . He was accompanied by: Mr. Rebozo Lt. Col. William L. Golden, Military Aide Maj. Gen. Walter R. Tkach, Personal Physician Manolo Sanchez, valet
7:24				The <u>Sequoia</u> docked at Pier One of the Washington Navy Yard.
7:34	7:42			The President and Mr. Rebozo motored from the Washington Navy Yard to West Executive Avenue.
7:43				The President returned to his office in the EOB.
7:50	9:15			The President met with: Mr. Ehrlichman Mr. Haldeman
8:14	8:18	P		The President talked with Mr. Petersen.
8:25	8:26	P		The President talked with Mr. Petersen.
9:17	10:12			The President met with his Counsel, John W. Dean III.
9:39	9:41	P		The President talked with Mr. Petersen.
10:16	11:15			The President met with: Mr. Haldeman Mr. Ehrlichman
11:21				The President returned to the second floor Residence.
11:45	11:53	P		The President talked with Mr. Petersen.

THE WHITE HOUSE

WASHINGTON

July 24, 1973

MEMORANDUM FOR: MR. JACK NESBITT
Presidential Papers

FROM: TOM HART T.

SUBJECT: President's Daily Diary -
April 15, 1973

Your office has called my attention to the President's Daily Diary of April 15, 1973, particularly the discrepancies therein with certain individuals meeting the President and has asked for clarification on these points. I will try to give these clarifications to you to the best of my knowledge and recollection together with conversations I have had with others and their knowledge and recollection concerning this day.

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SUMMARY OF EDITED WHITE HOUSE TRANSCRIPT

April 15, 1973, 10:35 a.m. to 11:15 a.m.

On April 15, 1973 the President and Ehrlichman met in the Oval Office from 10:35 a.m. to 11:15 a.m. The President asked who Ehrlichman had seen this morning, and Ehrlichman replied "I have Strachan up there right now." (p. 1) The President told Ehrlichman that he received a call from Kleindienst, who told him that he had been up most of the night with Titus (U. S. Attorney) and Petersen, and that he wanted to see the President alone that afternoon. Ehrlichman said Kleindienst "obviously got Titus in to find out what the progress is in the Grand Jury." (p. 2)

The President asked Ehrlichman what line Ehrlichman wanted to take with regard to the special prosecutor thing. Ehrlichman replied that Kleindienst wants it, so that "He can stay on [as Attorney General] and . . . so that he personally doesn't taint the process by reason of his closeness to Mitchell. And that makes sense. Sneed does not have that problem, and Sneed is controllable within limits, and I think he is credible. I may be wrong about his credibility." (p. 2) The President replied that "I agree with this, I think he's credible." The President went on to say "The reason I think he's credible is something else -- is that the Grand Jury I assume (unintelligible) come through with some indictments. I mean, suppose they just indict Magruder and Mitchell (unintelligible)." The President said, "Well, that's the fish. . The big fish," and "Damn it, what more do they want? Now what's the problem with the special prosecutor? As I see it, it just puts another

(unintelligible) loose (unintelligible) around there." (p. 3)

Ehrlichman said the special prosecutor will second-guess Silbert and, Ehrlichman assumed, "will feel that his mandate is to . . .," and the President interjected, "Tear hell out of the place?" Ehrlichman said "And -- that's just an additional risk which you wouldn't have with the Dean whose been a part of the process." The President said, "(Unintelligible) with him (unintelligible) myself (unintelligible). If not then, let's face it, he hasn't been very helpful throughout this thing," to which Ehrlichman responded "That [sic] right. (Unintelligible) he stood as far away from it as he could get." (pp. 3-4) The President said "And Mitchell let it get away from him. A little (unintelligible). Is that what he said to you?", to which Ehrlichman said "Yeah. He expressed real bitterness." (p. 4)

The President then asked "You didn't get Colson yet?"

Ehrlichman said he did not, but he would see him while the President was seeing Kleindienst. The President asked "I suppose Colson is (unintelligible) Hunt, and Bittman which, of course, tie Colson in, right?" Ehrlichman said "Yeah," and the President said "Up to his navel. There's not a damn thing you can do about that is there John?" Ehrlichman replied "No, really not, not at this point. You have to depend on Hunt's natural secrecy and secretiveness." The President said "John, there is nothing in it for Hunt (unintelligible) go back over everything he's done prior to that time." After Ehrlichman said "Well . . .," the President said "There might be something?" (p. 4)

Ehrlichman then said that Hunt "apparently . . . has perjured himself a second time." Ehrlichman said "Gee, he perjured himself at the

trial, then he was granted immunity, came back into the Grand Jury, and perjured himself again. The U. S. Attorney is looking down his throat and could say to him look, I can forget some of these counts if you're a good boy now." The President said "the point . . . I make is . . . the limits of his testimony," and commented "If he testifies just on Watergate that's fine. He isn't going to get a damn thing more than anybody else." Ehrlichman replied "I don't see any incentive for him to go broader, and I haven't heard a whiff of that." (pp. 4-5)

The President apparently asked Ehrlichman if he had talked with Strachan. Ehrlichman replied "Yes, sir, just about ten minutes ago. And I've been doing all the talking so far." A discussion followed in which the President made the comment "(Unintelligible) any (unintelligible) for removing him?" Ehrlichman said "Not yet. Not yet." The President said "He's a good man -- good man," and Ehrlichman said "I think he, I think he'll do fine." The President further said "(Unintelligible) you expect any one (unintelligible) I was cogitating last night, and we've got the people that can -- I mean on the obstruction of justice thing, which I think is our main problem at this time -- well of course it is the main problem because it involves the other people." The President said "Otherwise it's just Chapin . . . and Mitchell . . . and Magruder . . . possibly Dean" Ehrlichman said "Mardian and LaRue;" The President asked, referring to LaRue, "They got him on that too?" Ehrlichman said "Yeah. Yeah." The President asked "You mean Magruder has" and when Ehrlichman confirmed that, the President said "That's going to be hard. This fellow's lied twice to (unintelligible)?" (pp. 6-7) The President said "The people you've got with obstruction are Hunt and Goldblatt and Bittman, right?" Ehrlichman corrected him by saying Rothblatt. Ehrlichman said he would be surprised if Bittman testified because he

guessed Bittman worked himself out of a haven; and the President said "Wouldn't serve his interests to get involved in the obstruction of justice. He's basically almost a bag man, not a bag man, but a message carrier, isn't he?" Ehrlichman said, "No, no. -- was an instigator --. He was concerned about his fee . . . so he was one of the active promoters of that as near as I can tell." (pp. 7-8)

The President asked Ehrlichman "What was involved . . . from our side, our guys" on "the obstruction thing." Ehrlichman replied "you had defendants who were concerned about their families," lawyers concerned about their fees, and "You had a campaign organization that was concerned about the success of its campaign . . . and didn't want these fellows to say anything in public that would disrupt the campaign." The President asked "Is that legitimate to want people not to say . . . something in public that would disrupt the campaign or because it would embarrass people?" Ehrlichman said "Sure," and the President said "Cover up, you mean?" Ehrlichman said "It would impeach the campaign in effect. But at the same time a lot of those same people who had that legitimate motive . . . had an illegitimate motive because they were involved in protecting their own culpability and here were talking about LaRue, Magruder, Mitchell possibly." The President asked "(Unintelligible) they wanted the defendants to shut up in court?" and Ehrlichman said "Certainly, certainly." (pp. 8-9)

The President said "now let's take Dean . . . [a]s a case in point. . . . we could get him out of it -- he could weasel out he

says he's not involved in the prying." Ehrlichman pointed out Dean "was in touch with these committee people who could to Dean express a benign motive and at the same time had a corrupt motive." "If I were Dean," Ehrlichman said "I would develop a defense that I was being manipulated by people who had a corrupt motive for ostensibly a benign motive." (pp. 9-10)

The President said "Some did have benign motives." The President stated "it's only tangentially that it touches you and Bob. You know what I mean that somebody came to you I mean you said go talk to Kalmbach." Ehrlichman said that "the thing that ran through my mind . . . was Howard Hunt has written 40 books" and was worried about the support of his family, that he could see "Hunt writing an inside expose of how he broke into the Democratic National Headquarters at the request of the Committee to Re-elect the President." (pp. 10-11)

Ehrlichman said "Now, if I had a choice between getting contributions for the support of Howard Hunt's family." The President said "Yeah. And that's . . ."; Ehrlichman said "And that was pretty easy" (pp. 10-11); and the President said "And I suppose they would say though that . . ." Ehrlichman said "Oh, didn't care what Howard Hunt said to the Prosecutor. He can say anything he wanted to the prosecutor in a secret -- in a secret session. That didn't hurt us," and the Grand Jury was operating at that time in secret and the case did not come to trial until after the election. The President said "I think (unintelligible) it was -- nobody was trying to keep him from telling the truth to the Grand Jury -- to shut him up to the Grand Jury?" (pp. 11-12) Ehrlichman replied "I can say in truth and candor that

Dean never explained to me that there was any kind of a deal to get these guys to lie or to change their stories or to refuse to testify to the trial of the action or anything of that kind. That was just never discussed. So I don't feel too uncomfortable with this." (p. 12)

Discussion turned to the possible resignation of Kleindienst, Ehrlichman saying if Kleindienst resigns, "that says there is something wrong with the Justice Department." The President said "So you would keep him," and Ehrlichman said "At this point." (p. 12) "Even if he disqualifies himself?" the President asked, and Ehrlichman said "That's right -- which wouldn't be anything too new" to which the President said "Sure."

Ehrlichman told the President he had a call in for Kleindienst but that "Titus would have told him last night what Magruder said, and so he will, this morning, have I think as much knowledge about this thing as we have." (pp. 12-13)

The President asked about the statement of Magruder's attorneys that the prosecutors were "hot in going after Colson," that "The reason there of course is Hunt," although "Magruder had nothing on Colson." (pp. 13-14) Ehrlichman said "The one phone call is the only incident that he has to relate." The President asked Ehrlichman "What do you do about Colson, John?" Ehrlichman replied "I don't think there's much to do at this point. He's . . . building his own defenses. I assume that he's doing whatever has to be done with Hunt -- that only he could do. . . . he's, I'm sure, has had surreptitious contact with Hunt." The President said "Yeah. He says (unintelligible) take care of your kids." Ehrlichman said "And I think Chuck's natural proclivities will,"

and the President stated "Do everything," Ehrlichman said "do anything we can possible [sic] do." (pp. 14-15)

The President asked "what could Liddy (unintelligible) to corroborate Magruder?" Ehrlichman responded that "Magruder gives them everything they could have hoped to get from Liddy." The President then said "(Unintelligible) -- How do you get Liddy's sentence cut down? (Unintelligible)." Ehrlichman replied "It may be too late for him." They discussed why Liddy did not talk, what kind of person Liddy was, and that there were all kinds of stories about Liddy. (p. 15)

Regarding Kleindienst, the President said "Well look, I'll just listen to him. He has come in so often," and "I can say on ITT, of course, we didn't -- my basic responsibility (unintelligible) McClaren settled this case or something like that" Ehrlichman said "No, that wasn't to settle a case" or "to file an action." Ehrlichman said "You remember they were about to file a law suit and . . . Flanigan found out about it," and Ehrlichman came and told the President about it. The President asked "Why" and Ehrlichman said "(Unintelligible) may have forgotten the details," The President asked "Why didn't we think they should file an action? . . . I am sure it was a good reason" Ehrlichman said "Yeah. We had a run . . .," and the President interjected "a runaway antitrust division at that point. Yeah, and I had been raising hell with McClaren . . . on all this, and I said now this is a violation of my policy . . . (Unintelligible) a violation of rules that I had laid down with McClaren." Ehrlichman said "I will testify to my dying day that our approach to antitrust cases as (unintelligible) virtually without variation, on policy rather

than the merits of the individual case." Ehrlichman continued "There was one exception to that . . . that Granite City Steel case where we criticized their analysis -- the Council of Economic Advisers did." (pp. 16-17)

The President said "What the hell was it, John that (unintelligible) Kleindienst. Here's this guy, you know, who is really good-hearted and worked hard and all that sort of thing and went down to the wire and so forth. His advice has been just wrong." (p. 18) Ehrlichman said "I think he felt, and I have not talked to him about this, but I think he felt that if he involved himself in this case at all in Mitchell's behalf, that eventually it would have tainted the whole proceeding and maybe redounded to Mitchell's disadvantage --." The President said "Right . . . Oh I suppose that's (unintelligible)." Ehrlichman said "and that Mitchell's best chance --" and the President said "I'm not speaking in Mitchell's behalf but I am just thinking of -- just so that we would be (unintelligible), or try to know how (unintelligible)." (p. 18) The President said "All you ever asked was the general question, what's going on." (p. 18)

Ehrlichman said "I may have told you about this, but the U. S. Attorney now feels Dean that overreached them by providing information out of the Grand jury to the Committee for the Re-election. I think that may be legitimate criticism if he in fact did that. On the other hand, for him to provide us with information inside, for the orderly operation of the government, is another matter. That's two quite different things. If you peddle information from a Grand Jury to the outside, or if you

peddle it inside to people who are responsible." (p. 19) Ehrlichman informed the President that Dean had information on who was going to be called as witnesses, so that apparently Mardian "was able to get around and coach witnesses." Ehrlichman said "In some cases Mardian, I guess, was very heavy-handed about it, and --," and the President said "Well, is there anything wrong with that?" Ehrlichman said, "Yeah, well there's something wrong with --," and the President asked "He was not their attorneys [sic] is the problem?" (p. 19) Ehrlichman said, "Well, no, the problem -- the problem is he asked them to say things that weren't true." The President said "Oh." (pp. 19-20)

Ehrlichman said that Porter, who worked for the Committee, was asked about "higher-ups" and "apparently passed money to Liddy from Sloan and was privy to quite a lot of information," had been coached and would "probably be indicted." The President asked why the Grand Jury did not indict him, and Ehrlichman said they didn't have the evidence because "There was a cover story which Mardian and others cooked up, and Porter, who corroborated the cover story, is now indictable for perjury. He is a little fish who got caught in the net." (pp. 20-21)

The President said "Poor son of a bitch. It's wrong. It's wrong." Ehrlichman said "The whole thing is just monumentally tragic." The President then said "Dean is concerned, and concerns me." The President said "I don't think he could have been that active in the pre -- the post yes -- the pre things. Magruder, Magruder may be (unintelligible) a little (unintelligible) in some of that stuff." (p. 21) They discussed briefly Dean's story about meetings in the

Attorney General's office, what Magruder said he approved and Mitchell disapproved, and a meeting in Florida about the final Liddy proposal. (pp. 21-22) Ehrlichman said he assumed Magruder told Dean about three places on the list -- Watergate, Fontainbleu, and the McGovern Headquarters. (pp. 22-23)

Ehrlichman said that Mitchell phoned this morning to say that Daniel Schorr had been on the shuttle when he rode back to New York, and that CBS sent somebody out to the airport. Ehrlichman said Mitchell told Ehrlichman that Mitchell "said to Schorr he didn't know anything about the Watergate, and he didn't think anybody cared about the Watergate, and he had just been down to the White House and he hadn't seen the President. That was all that he said. He is looking forward to testifying before the Ervin Committee, and so forth. So he called me this morning just to say that . . . he wanted us to know what he had actually said in case there was any press report to the contrary." The President said "Well Ziegler should simply say, yes he was here to see you (unintelligible) it's true (unintelligible)." (p. 24) Ehrlichman said "Don't have any comment on that," and the President said apparently referring to what Ziegler should say, "I have no information on the subject."

There was some discussion about news stories and polls and the President said "Seriously, it's a hell of a Washington story." (p. 27) At the end of the transcript there is a notation "MATERIALS NOT RELATED TO PRESIDENTIAL ACTIONS DELETED."

51. On April 15, 1973 the President met with Attorney General Kleindienst from 1:12 to 2:22 p.m. in the President's EOB office. Kleindienst reported to the President on the evidence against Mitchell, Dean, Haldeman, Ehrlichman, Magruder, Colson and the others. Kleindienst has testified that the President appeared dumbfounded and upset when Kleindienst told him about the Watergate involvement of Administration officials, and that the President did not state that he had previously been given this information by John Dean. The President asked about the evidence against Haldeman and Ehrlichman and made notes on Kleindienst's response. There was a discussion of the payments to the defendants and what motive had to be proved to establish criminal liability. There was discussion of the transfer of \$350,000 from the White House to LaRue. The President made a note: "What will LaRue say he got the 350 for?"

The Committee has subpoenaed the tape recording and other evidence of this conversation. The President has stated that the tape on the recorder for his EOB office ran out during his afternoon meeting with Kleindienst. The President has produced an edited transcript of a recording of a portion of the conversation. A summary of that transcript has been prepared.

51.1	Richard Kleindienst testimony, 9 SSC 3573, 3579-80, 3592.....	925
51.2	President Nixon notes, April 15, 1973, 3 (received from Watergate Grand Jury).....	929
51.3	President Nixon daily diary, April 15, 1973, Exhibit 20, <u>In re Grand Jury</u> , Misc. 47-73.....	930
51.4	Memorandum form Tom Hart to Jack Nesbitt, July 24, 1973, Exhibit 29, <u>In re Grand Jury</u> , Misc. 47-73...	933
51.5	President Nixon statement, November 12, 1973, 9 Presidential Documents 1329-30.....	936
51.6	House Judiciary Committee staff summary of White House edited transcript of a meeting between the President and Richard Kleindienst, April 15, 1973, 1:12 - 2:22 p.m.....	938

I was up at 8:30 a.m. As a result of that meeting we agreed that I had to see the President. I put a call in to the White House at 8:30 a.m., the President returned my call at 9:30 a.m. I told him it was absolutely imperative that I see him right away. He said that I have the Sunday service at the White House at 11 a.m. I told him that rather than go to church with my wife and children I would go up there and attend that service at 11 o'clock and be available to see him after that was over.

I think the reception lasted until approximately 1 o'clock and around 1 o'clock in the afternoon I met with the President in his office in the Executive Office Building.

Mr. DORSEN. Now, am I correct that at least part of the meeting was devoted to briefing the President and that one of the decisions made on the afternoon of April 15 by you would be that you would in effect withdraw from the supervision of the prosecution of the Watergate case?

Mr. KLEINDIENST. The whole meeting was devoted solely to talking about the information that I had obtained that night and the consequences that inevitably must flow from it.

Mr. DORSEN. Now, I would like to show to you a document which you provided the committee dated April 15, 1973. The first page is typewritten. The page under it is handwritten. I ask if you can identify that for the committee?

Mr. KLEINDIENST. Yes. I know what you have in your hand, Mr. Dorsen. I furnished it to the committee. The document underneath, in my handwriting, is a document that I wrote out in my office in the presence of Mr. Petersen after he and I had met with the President of the United States in which I set forth the reasons why I had to recuse myself from any further contact or involvement in the Watergate case and in which I designated him to substitute for me as the Attorney General of the United States in anything further concerning the Watergate case.

I further requested that he communicate this decision of mine to—in the contents of this memorandum to U.S. Attorney Titus, Silbert, and to Acting Director Gray of the FBI. I signed it and I had Mr. Petersen sign it indicating the time that he received it. It was important for me to establish the time when I no longer had any connection with the Watergate thing.

I then Xeroxed a copy of my handwritten statement and gave it to him and I kept the original. And this is it—the top document that you handed me is a typed document of my handwritten document.

Mr. DORSEN. Mr. Chairman, I request that the document identified and summarized by Mr. Kleindienst be admitted into evidence.

Senator ERVIN. It will be received and appropriately marked as an exhibit and admitted in evidence as such.

[The document referred to was marked exhibit No. 145.*]

Mr. DORSEN. What does the word "recuse" mean in this context?

Mr. KLEINDIENST. It is a technical word used by lawyers and particularly those in Government service which signifies that for one reason or another, usually ethical reasons, that you withdrew from any further participation in a particular matter.

*See p. 3860.

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nity and that his statements to them were on a conditional basis through his attorney predicated upon whether he got immunity or not.

Mr. THOMPSON. You went to see the President on the 15th?

Mr. KLEINDIENST. Yes, sir.

Mr. THOMPSON. The same day.

Did you tell him substantially what they had told you?

Mr. KLEINDIENST. To the best of my ability because I took the notes that I had written on my wife's stationery and had them in my pocket and I read from my notes.

Mr. THOMPSON. And what was the President's reaction?

Mr. KLEINDIENST. He was dumbfounded. He was very upset, he was—he was very upset.

Mr. THOMPSON. I believe you mentioned in an interview that he was partially consoling you.

Mr. KLEINDIENST. Well, I was very upset about this, Mr. Thompson. I don't think since my mother died when I was a young boy that I ever had an event that has consumed me emotionally with such sorrow and sadness as this situation and he was very considerate of my feelings.

Mr. THOMPSON. Mr. Kleindienst, did you have occasion at any time after the break-in in 1972 to talk to the President either in person or by telephone about the Watergate matter?

Mr. KLEINDIENST. I didn't—I know I had a conversation with him almost immediately afterward.

Mr. THOMPSON. Do you recall what was said in that conversation?

Mr. KLEINDIENST. Well, what was said about that is, he said, Dick, I told him what we were doing and he said, Dick, you have got to have a thorough intensive complete investigation of this and I think that that is when he first said let the chips fall where they will.

During the summer, we had the Republican Convention. I was gone for approximately a month up in the Poconos and then the campaign came along. I didn't have many conversations with the President during that period of time, none that I can specifically recall. I had two meetings with him up at Camp David after the election and after I had returned from Europe. We didn't have to talk much about the Watergate, I knew what I was doing, he knew what I was doing, but the extent to which it was brought up was in the same context.

Mr. THOMPSON. Mr. Kleindienst, I have no further questions.

Thank you, sir.

Senator ERVIN. Did John Ehrlichman tell you he was bugging, I use that word unadvisedly, rather recording your conversation with him?

Mr. KLEINDIENST. No, sir. If I ever felt he had I don't know if I would have ever talked to him again.

Senator ERVIN. You stated, as I understand your testimony, that the President indicated by his conversation, when you reported what you knew about the Watergate affair to him, that—

Mr. KLEINDIENST. What meeting are you talking about, Mr. Chairman?

Senator ERVIN. The 15th.

Mr. KLEINDIENST. Yes, sir.

Senator ERVIN [continuing]. That he indicated by his reply that he did not know—that he was ignorant about the Watergate affair?

Mr. KLEINDIENST. Well, I would say that the information, the nature that I described with him, would have come to his attention contemporaneously. If Mr. Ehrlichman is talking to Magruder all afternoon the day before I would just assume, although he didn't say, that Mr. Ehrlichman would have made a report like this to the President. But I would gather from my meeting with the President that he had no such knowledge until immediately prior to my meeting, Mr. Chairman.

Senator ERVIN. Now, do you agree with me that of all of the human beings on the face of the Earth that the one who knows most about this is the President himself, that is, about the President's state of knowledge?

Mr. KLEINDIENST. You mean the one person who most—knows most about this situation?

Senator ERVIN. The one who knows more about what the President's state of knowledge was between June 17, 1972, and April 15, 1973, is the President himself?

Mr. KLEINDIENST. Well, Mr. Chairman, I would agree that the President knows more about what he knows than I know what he knows.

Senator ERVIN. That is what I meant.

In July, sometime between July 7 and August 9, I believe you said, John Ehrlichman called Henry Petersen and entered a protest that the prosecuting attorneys were harassing Secretary Stans because they were calling upon him to perform an obligation which devolves upon all citizens of the United States.

Mr. KLEINDIENST. That is essentially it. I think Mr. Petersen will be a better witness as to the consideration between Mr. Ehrlichman. My attention really wasn't so much consumed with what Ehrlichman said to Petersen and Petersen said to Ehrlichman. I was interested in Mr. Ehrlichman not giving directions to people in my department.

Senator ERVIN. Yes.

Here was a person that had been delegated by the President with tremendous governmental power, John Ehrlichman, undertaking to dictate to the Department of Justice how witnesses should be treated?

Mr. KLEINDIENST. Yes. I think Mr. Ehrlichman made a mistake on that; he never did it again and he probably wishes he hadn't done it.

Senator ERVIN. As I understand from your testimony—if I am wrong you let me know—you agree that Assistant Attorney General Petersen could excuse Stans from going before the grand jury and let him testify by deposition in some private offices or public offices apart from the grand jury?

Mr. KLEINDIENST. Mr. Petersen made that recommendation to me and I will take the full responsibility for that, Senator Ervin.

Senator ERVIN. Well, that troubles me a little bit because of my conviction that all men, regardless of whether they are princes or peasants or former Cabinet members and just ordinary Americans, ought to be treated equal before the law.

It also gives me misgivings for another reason. Under the statute we have grand juries composed of anywhere from 16 to 23 men, and it is a part of the judicial process that they shall have an opportunity to cross-examine a witness.

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Senator GURNEY. The problem, I guess, was that there was a coverup and people weren't advancing information.

Mr. KLEINDIENST. I have arrived at that conclusion, Senator Gurney.

Senator GURNEY. I think that is what we found here in these many weeks.

Mr. KLEINDIENST. Yes, sir.

Senator GURNEY. One question on that meeting with the President. I am not sure that it was covered.

Mr. KLEINDIENST. What meeting is that?

Senator GURNEY. This is the April 15, Sunday meeting.

Mr. KLEINDIENST. Yes, sir.

Senator GURNEY. Did the President ever—did he tell you in the meeting what he had been advised previously by John Dean?

Mr. KLEINDIENST. No, sir; not to my recollection.

Senator GURNEY. That was not discussed?

Mr. KLEINDIENST. No. I was more interested in telling him what I knew and then dealing with the consequences of that knowledge on my part, my own deep feelings and what to do next. The decision to—my recommendation to—have Henry Petersen act in my place and stead—getting Henry—Henry was working on his boat and came into his first meeting with the President with tennis shoes and a dirty T-shirt, very embarrassed—going back to my Department—executing a document by which I recused myself, and then going home.

Senator GURNEY. Your logs show a number of phone calls and meetings during this period of time from the June 17 break-in until, well, through almost your resignation, phone calls with Colson, for example. Did those cover Watergate at all?

Mr. KLEINDIENST. I never recall ever talking about Watergate with Mr. Colson.

Senator GURNEY. There are also a number of telephone conversations with Mr. LaRue. Did you ever discuss Watergate with him?

Mr. KLEINDIENST. Never.

Senator GURNEY. And also one or two with Haldeman. Did you discuss Watergate with him?

Mr. KLEINDIENST. Never.

Senator GURNEY. There were a few phone calls with Mr. Krogh. What were they the subject of?

Mr. KLEINDIENST. I think that was brought to my attention by Mr. Haire of your committee yesterday, that I had some conversations with Mr. Krogh on Monday the day before the general election. I think you will also see on that day there must have been 60 or 70 calls, and I had meetings with Mr. Colburn who was Director of the U.S. Marshal Service and Chief Wilson of the Metropolitan District Police. Those conversations had to be with respect to problems involving demonstrators in anticipation of the election returns the next day.

Senator GURNEY. They had—

Mr. KLEINDIENST. Mr. Krogh, one of his assignments was to coordinate on behalf of the White House, District of Columbia, and Department of Justice in this situation; nothing with respect to this situation, Dr. Ellsberg, or anything else. I never heard of the so-called Plumbers until it became publicly revealed.

Klumbert - DV

14-15-73

E - (Conditional Sentence)

Deen -

Deep Six documents -
get Hunt out of country

Halderman:

Stash -

will give testimony - H had

papers indicating Liddy was in
jeopardy -

\$350,000 - to Sabre -

Bornman Sears -

✓

Liddy - has not talked -

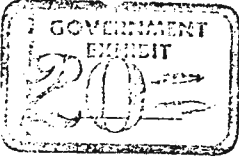
Hunt =

My opposite - Speech

What will Sabre say he
got the 350 for? -

Gray - documents

51.3 PRESIDENT NIXON DAILY DIARY, APRIL 15, 1973, EXHIBIT 20,
IN RE GRAND JURY, MISC. 47-73

THE WHITE HOUSE		PRESIDENT RICHARD NIXON'S DAILY DIARY (See Travel Record for Travel Activity)		DATE (Mo., Day, Yr.) APRIL 15, 1973
PLACE DAY BEGAN *Revised, 7/26/73 THE WHITE HOUSE WASHINGTON, D.C.				TIME DAY 12:09 a.m. SUNDAY
TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	To	LD	
12:09	12:16	P		The President talked with Army Vice Chief of Staff Gen. Alexander M. Haig, Jr.
12:20	12:32	P		The President talked with television writer and producer Paul W. Keyes.
12:33		P		The President telephoned his Press Secretary, Ronald L. Ziegler. The call was not completed.
12:35	12:45	P		The President talked with his Assistant, Henry A. Kissinger.
1:01	1:04	P		The President talked with Mr. Ziegler.
8:41		R		The President was telephoned by Attorney General Richard G. Kleindienst. The President's Special Assistant, Stephen B. Bull, took the call.
9:45				The President had breakfast.
10:02		R		The President was telephoned by Mr. Kissinger. Mr. Bull took the call.
10:13	10:15	R		The President talked with Attorney General Kleindienst.
10:16	10:17	P		The President talked with Mr. Kissinger.
10:35				The President went to the Oval Office.
10:35?	11:15			The President met with his Assistant, John D. Ehrlichman.
11:15				The President returned to the second floor Residence.
11:17				The President and the First Lady went to the Yellow Oval Room.
11:17	11:32			The President and the First Lady had coffee with: Rev. Edward V. Hill, pastor of the Mount Zion Missionary Baptist Church, Los Angeles, California Mrs. Edward V. Hill
11:32				The Presidential party went to the East Room.
11:33	12:07			The President and the First Lady hosted a worship service conducted by Rev. Mr. Hill. The Rochester Male Chorus of Rochester, Minnesota also participated in the service. For a list of guests, see <u>APPENDIX "A."</u>

Source: Misc # 47-73 In re Grand Jury Proceedings

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

12:11 p.m. SUNDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	To	LD	
12:11				The President and the First Lady, accompanied by Rev. Mr. and Mrs. Hill, went to the State Dining Room. Enroute, they participated in a photo opportunity at the foot of the Grand Staircase. White House photographer, in/out
12:11	1:05			The President and the First Lady received their guests. Members of the press, in/out White House photographer, in/out
1:05				The President and the First Lady went to the Grand Hall.
1:05				The President and the First Lady participated in a photo opportunity with the Rochester Male Chorus. White House photographer, in/out
1:11				The President went to his office in the EOB.
1:12	2:22			The President met with Attorney General Kleindienst.
2:30 ?	3:30			The President met with Mr. Ehrlichman.
3:27	3:44	P		The President talked with his Assistant, H. R. Haldeman.
3:36		R		The President was telephoned by Attorney General Kleindienst. The call was not completed.
3:48	3:49	R		The President talked with Attorney General Kleindienst.
3:50		P		The President telephoned Mr. Rebozo. The call was not completed.
4:00	5:15			The President met with: Attorney General Kleindienst Henry E. Petersen, Assistant Attorney General
5:17		P		The President telephoned Mr. Ehrlichman. The call was not completed.
5:25				The President went to West Executive Avenue.
5:25	5:32			The President and Mr. Rebozo motored from the EOB to Pier One of the Washington Navy Yard. Enroute, the President greeted members of the crowd assembled at the north exit of West Executive Avenue.
5:32				The President and Mr. Rebozo boarded the <u>Sequoia</u> .

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

5:32 p.m. SUNDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	Lo	LD	
5:37	7:24			The President and Mr. Rebozo were greeted by Lt. Cdr. Andrew J. Combe, Captain of the <u>Sequoia</u> . The President went boating on the <u>Sequoia</u> . He was accompanied by: Mr. Rebozo Lt. Col. William L. Golden, Military Aide Maj. Gen. Walter R. Tkach, Personal Physician Manolo Sanchez, valet
7:24				The <u>Sequoia</u> docked at Pier One of the Washington Navy Yard.
7:34	7:42			The President and Mr. Rebozo motored from the Washington Navy Yard to West Executive Avenue.
7:43				The President returned to his office in the EOB.
7:50	9:15			The President met with: Mr. Ehrlichman Mr. Haldeman
8:14	8:18	P		The President talked with Mr. Petersen.
8:25	8:26	P		The President talked with Mr. Petersen.
9:17	10:12			The President met with his Counsel, John W. Dean III.
9:39	9:41	P		The President talked with Mr. Petersen.
10:16	11:15			The President met with: Mr. Haldeman Mr. Ehrlichman
11:21				The President returned to the second floor Residence.
11:45	11:53	P		The President talked with Mr. Petersen.

SM/CH/IN

THE WHITE HOUSE

WASHINGTON

July 24, 1973

MEMORANDUM FOR: MR. JACK NESBITT
Presidential Papers

FROM: TOM HART T.

SUBJECT: President's Daily Diary -
April 15, 1973

Your office has called my attention to the President's Daily Diary of April 15, 1973, particularly the discrepancies therein with certain individuals meeting the President and has asked for clarification on these points. I will try to give these clarifications to you to the best of my knowledge and recollection together with conversations I have had with others and their knowledge and recollection concerning this day.

1. The diary shows the President going to the Oval Office from the Residence at 10:35 a.m. and departing the Oval Office at 11:15 a.m. and returning to the Residence. There is an accompanying note from the Secret Service which states: "No meetings in Oval Office between 10:35 - 11:15 a.m." The President, in fact, did meet with John Ehrlichman in the Oval Office during this period of time. It probably went unnoticed by the Secret Service as Mr. Ehrlichman would probably have entered through the private door in Mr. Bull's office. I arrived at my office at approximately 11:00 a.m. and met Manolo Sanchez there. He told me that the President was meeting with Mr. Ehrlichman at that time. Mr. Sanchez and myself waited for the President to leave as we knew he was expected at the Yellow Oval Room on the second floor of the Residence to have coffee with the Reverend B. V.

2.

Hill who was the Minister for the White House Worship Service that same morning. The President did leave his office at 11:15 a.m. and returned to the Residence alone. We were not sure exactly when Mr. Ehrlichman entered the Oval Office but it apparently was sometime between 10:35 and 11:00 a.m. when I had arrived. Mr. Sanchez confirms this information.

2. The diary shows that the President met with Attorney General Kleindienst beginning at 1:12 p.m. The Attorney General was over in the EOB outer office waiting for the President to arrive and as soon as he arrived they went in together. This is confirmed by Mr. Bull and Mr. Sanchez. The diary shows that the President met with John Ehrlichman at 1:24 until 3:30 p.m. Mr. Sanchez has told me that he recalls that Attorney General Kleindienst met with the President alone until he left and then approximately five or ten minutes after he left Mr. Ehrlichman came in and met with the President alone. Therefore, I believe that Mr. Ehrlichman met with the President at some point after the Attorney General left at 2:22 p.m. The EPS log showed Mr. Ehrlichman in at 1:24 p.m. It probably should have read 2:24 p.m. Mr. Sanchez recalls that Mr. Ehrlichman met with the President alone for forty-five minutes to an hour.

3. The diary shows that the President met with Mr. Rebozo from 3:25 until some time after 5:00 p.m. This is erroneous as Mr. Rebozo did not meet with the President that afternoon. This information probably came from the EPS log which shows that Mr. Rebozo entered the complex of EOB offices at that time but to the recollection of Mr. Sanchez and of Colonel Golden who was the duty Military Aide that day, Mr. Rebozo waited outside the President's EOB office with Colonel Golden and Mr. Sanchez until shortly after 4:00 p.m. when Attorney General Kleindienst and Assistant Attorney General Henry Petersen entered to meet with the President. Mr. Rebozo then returned to the Residence. Mr. Rebozo did accompany the President when he left his EOB office at 5:25 p.m. to go out for a boat ride on the Sequoia. I believe that these discrepancies have arisen in the log because of the fact that the true times

3.

kept for persons meeting with the President in his EOB office are generally kept by the receptionist who sits outside his door there and that on this particular day which was a Sunday there was no receptionist there because there is generally no need for one as the President does not usually have such meetings on a Sunday. When such meetings do occur when the receptionist is not there, your office generally relies on the EPS log for meeting information. This can be erroneous as a person can be logged as to entering the complex of the President's EOB office without that person entering the inner-office and meeting there with the President. This, I suspect, was the problem with the discrepancies that your office has called our attention to on that particular day.

Administration of Richard Nixon

PRESIDENTIAL DOCUMENTS

Week Ending Saturday, November 17, 1973

Presidential Tapes and Documents

Statement by the President Outlining Procedures To Provide Information Related to the Watergate Investigation to the Chief Judge of the United States District Court for the District of Columbia. November 12, 1973

As a consequence of the public disclosure, 2 weeks ago, that two conversations of the President were not recorded on the White House recording system, doubts have arisen about just what happened to these conversations and why they were not recorded. The purpose of this statement is to help dispel those doubts and to spell out certain steps I will take to offer information to the court that will help determine the substance of all nine conversations subpoenaed by the court.

First, there are no missing tapes. There are two conversations requested by the courts which were not recorded. The first is a 4-minute conversation with the former Attorney General, John Mitchell, on June 20, 1972. The second is a meeting of 55 minutes with John Dean, late in the evening of Sunday, April 15, 1973.

There is no question in my mind but that the open-court hearing, now being conducted, will demonstrate to the court's satisfaction the truth of our statements that these two conversations were never recorded. In fact there is no affirmative evidence to the contrary. I believe that when the court concludes its evaluation of the testimony and documentary evidence, public doubt on this issue will be completely and satisfactorily removed.

In the meantime, I believe it important to make a statement about this proceeding so that misconceptions about this matter do not persist, simply because certain basic facts are not presented to the American public.

First, the Senate Select Committee did not subpoena the substance of the two unrecorded conversations. That

material was requested only by the Special Prosecutor, and the court, who believed the substance of nine presidential conversations was necessary for completion of the Watergate investigation.

We are complying fully with the Federal court decision. In seven of nine instances, the actual recording of the conversation is being submitted; this includes five conversations in which John Dean participated—September 15, 1972, March 13, 1973, two on March 21, 1973, one on March 22, 1973. For all nine conversations covered by the subpoena, such contemporaneous notes and memoranda as were made of the conversations are being provided in accordance with the court order.

Before discussing these matters, the issue of when and why the recorded conversations were listened to by me, and by others on my behalf, should be placed in chronological perspective.

On June 4, 1973, I listened to the tape recordings of a number of conversations I had with John Dean in order to refresh my memory of those discussions. All of the conversations to which I listened that day had taken place prior to March 21, 1973. My purpose in reviewing the recordings of my conversations with Mr. Dean was to confirm my recollection that he had not reported certain facts to me prior to March 21, 1973. In late April 1973, I asked H. R. Haldeman to listen and report on the conversation of March 21, 1973, in which he had been present for a substantial portion of time. My primary purpose in having Mr. Haldeman listen to this tape was to confirm my recollection that March 21, 1973, was the date on which John Dean had first reported certain facts to me.

There had been rumors and reports to the contrary—one of them suggesting that John Dean and I had met 30 or 40 times to discuss Watergate—and I wanted to refresh my recollection as to what was the precise and entire truth.

On September 29, 1973, I began a review of the tape recordings subpoenaed by the Special Prosecutor for the grand jury and by the Senate Select Committee. The reason was it had been my deliberate intention to litigate

the matter up to Supreme Court, if necessary, to protect the right of confidentiality and the related principle of separation of powers. By late September, however, I had come to the conclusion that the national interest would be better served by a reasonable compromise.

Thus, in late September, I began to consider various approaches which led to what has come to be known as the "Stennis Compromise"—turning over to both the Senate committee and the court the full substance of the relevant recorded conversations, leaving the verification of the precision and accuracy of that substance to Senator Stennis. That compromise offer, accepted by the Senate Committee Chairman and Vice Chairman, proved unacceptable to the Special Prosecutor.

It was during this process that I first became aware of the possibility that two of the 10 conversations in question had not been recorded.

I proceeded with a review of the eight recorded conversations and subsequently ordered a further search for recordings of the two conversations in question and an investigation into the circumstances which caused the conversations not to be recorded. The search and investigation were not finally completed until October 27.

One of the conversations for which no recording could be found was a 4-minute telephone call I made to John Mitchell on the evening of June 20, 1972. The only telephone calls which were recorded in the residence of the White House were those made in the Lincoln Sitting Room which I use as an office. Telephone conversations in the family quarters have never been recorded during this Administration. The telephone call with John Mitchell was one that I made on the telephone in the family quarters just before going in to dinner, and consequently it was not recorded.

My conversation with John Dean on Sunday evening, April 15, 1973, was not recorded because the tape on the recording machine for my Executive Office Building office was used up and ran out earlier in the day. The tape which was on the operating recorder on Sunday, April 15, 1973, contains recordings of the conversations in my Executive Office Building office on Saturday, April 14, 1973. It also contains a portion of the first conversation I had in that office on Sunday, April 15, 1973, which was with Attorney General Kleindienst. During that conversation the tape ran out. Normally, I see very few people in my Executive Office Building office on the weekends. However, on the weekend of April 14 and 15, the activity in my Executive Office Building office was unusual and unanticipated. Certain reports made to me by my staff early in the morning of April 14, 1973, led me to have lengthy discussions with staff members during the day in my office in the Executive Office Building. In addition, international developments required a lengthy meeting with my Assistant for National Security Affairs late that morning.

On Sunday, April 15, 1973, I began another series of meetings in my Executive Office Building office at about 1 p.m. The first meeting was with Attorney General Kleindienst. Thereafter the meetings continued until late

in the evening with the exception of a break of about 2 hours for dinner. I did not meet with John Dean until approximately 9 o'clock that evening. Since the tape on the recorder for my Executive Office Building office had run out during my afternoon meeting with Attorney General Kleindienst, the Dean meeting was not recorded.

It should be pointed out that the court order calls for evidentiary materials such as notes and memoranda in addition to recordings of specified conversations. The court order spells out a detailed procedure for turning materials over for Judge Sirica's private review. In recent days, in an effort to locate materials for the court, a diligent search has been made for materials that might shed further light on the substance of the conversations in question, including the unrecorded conversations with John Mitchell on June 20, 1972, and with John Dean, on the evening of April 15, 1973.

Since I have been in office, I have maintained a personal diary file which consists of notes which I have personally taken during meetings and of dictation belts on which I record recollections. The dictation belts and notes are placed in my personal diary file by my secretary. They are sealed under specific instructions that they not be transcribed.

In the course of searching my personal diary files, I have located a dictation belt that I dictated at 8:30 p.m. on June 20, 1972, on which, among other activities of the day, I referred to a telephone call with John Mitchell. The portion of the belt relating to the conversation with John Mitchell will be submitted to the court.

We have also located the dictation belt of my recollections of the conversations in question for March 21, 1973, and the relevant portions of these recollections together with the actual recordings of the conversations, of course, will also be submitted to the court in compliance with its order.

Over the weekend of November 4 and 5, 1973, upon checking my personal diary file for April 15, 1973, to locate information to be produced in accordance with the court's order, I found that my file for that day consists of personal notes of the conversation held with John Dean the evening of April 15, 1973, but not a dictation belt. My original handwritten notes, made during my meeting with John Dean on the evening of April 15, 1973, will be submitted to the court.

On June 11, 1973, the Special Prosecutor requested a tape of a conversation I had with John Dean on April 15, 1973 (which I had previously offered to let Assistant Attorney General Petersen hear).

As has been pointed out, my personal diary file consists of notes of conversations and dictation belts of recollections, and I believed in June that I had dictated my recollections of April 15, 1973, of conversations which occurred on that day. The response to the Special Prosecutor made on June 16, 1973, referred to such a dictation belt. At that time, however, I did not review my file to confirm that it contained the belt.

SUMMARY OF WHITE HOUSE
EDITED TRANSCRIPT
APRIL 15, 1973, 1:12 p.m. to 2:22 p.m.

On April 15, 1973 the President and Kleindienst met in the EOB office from 1:12 to 2:22 p.m. Kleindienst told the President that Petersen called him last night at midnight, "quite agitated," and that he met with Petersen, Silbert, and Titus until five a.m. "The purpose of it was to give me the benefit of what had transpired on Thursday, Friday and Saturday with Magruder, and then what had been transpiring for a week with John Dean and his attorneys." (p. 1) Kleindienst explained that Dean and his attorney were "exploring the legal situation with the understanding that if they don't work out some kind of a strong arrangement then anything that is said or represented by either John or the attorney will not be used." (p. 2)

Kleindienst told the President that Magruder would go before the Grand Jury, plead guilty, and "tell everything he knows," and that "that kind of information is not going to remain confidential." The President told Kleindienst that "As you know, the -- we have no, -- I have not and I would not try to get information from the Grand Jury, except from you," and that he had taken Dean off the investigation, and put Ehrlichman on, and had told Ehrlichman to give his information to Kleindienst, although it wouldn't mean much because Ehrlichman said that it is all corroborated by Magruder. (pp. 3-4)

The President said Ehrlichman's view was you can't tell whether "you can believe everything Magruder says," and Kleindienst said he "got a self-interest involved." The President said "He's got his self-

interest and you don't know whether he's going to drag this fellow or that fellow or whatever the hell is. You know that's the trouble when a guy starts lying," and that he was "wondering whether Magruder is telling the whole truth on John Mitchell" The President asked if Kleindienst had talked to Mitchell, and Kleindienst said, "No, and I'm not going to. I don't think I can talk to him." The President said that he had "never asked him," but had asked Ehrlichman to "ask him." (pp. 4-5)

Kleindienst told the President that "there is a possible suggestion" about Haldeman and Ehrlichman indicating that they had "knowledge in this respect, or knowledge or conduct either before or after the event," but, Kleindienst suggested, there was a question "whether it's sufficient to bring about an indictment as a result of the course the testimony implies." He said "there will be statements made, circumstantial evidence depicted . . . that could raise a very serious question with respect to both of them. That is my primary reason for talking to you (unintelligible) I thought you ought to know." (pp. 5-6) The President asked, "Who told you this?" Kleindienst responded that he learned it from Silbert, who got his information from "Dean with respect to some statements that Ehrlichman is supposed to have made after the event," but "there's no suggestion" that Ehrlichman "knew anything about it before." (p. 6) Kleindienst said there was a probability that "Strachan might provide testimony that would . . . implicate Haldeman and it wouldn't be direct, precise testimony." (pp. 6-7) The President said he had asked both Haldeman and Ehrlichman, "and they have given me absolute -- you know what I

mean." (p. 7) Kleindienst stated, apparently referring to Haldeman, that the prosecutors, "right now . . . do not think that they are going to have the kind of legal evidence that would lead to indictment. However, they all feel that as a result of the closed testimony -- a matter which is going to come out. It will be circumstantial, an association, an involvement, and it's going to be -- ." The President asked, "Why don't you do something about it?", and Kleindienst replied "Well, I think that that's part of the problem. The evidence with respect to those now who would have knowledge of this before June 17th, 'cause it's going to come out." (pp. 7-8)

Kleindienst referred to "some of the evidence with respect to Dean," and the President said "Dean was in the meetings. Dean claims that he said no. And Mitchell does too. And that's what you've got to live with." Kleindienst said, "But then they feel the serious aspect of the conduct thereafter came in the, according to this testimony, that, with respect to obstruction of justice . . . and that is the admission that LaRue, Mardian, Mitchell, Dean, all for his initial testimony before the Grand Jury." Kleindienst further said "Magruder could testify that he believed that -- there's two things -- the obstruction of justice and suborning a witness of [sic] perjury." The President said "They could get them all on that." (pp. 8-9)

A discussion followed concerning payments to defendants. Kleindienst said that he "inquired into it personally," and the President said he was thinking of the Berrigans, Ellsberg, and Scottsboro fund raising and "Nobody every raised any question about it. If you raise money for the defense and it's for support." Kleindienst said "likewis

in this case," if "I had committed a crime and you know about it and you say, 'Kleindienst, you go in the Court and plead guilty to the commission of that crime and here is ten thousand dollars, you know, to tide you over and so forth.'" The President said "That isn't a crime?" and Kleindienst said "No," but "on the other hand, if you know that I committed a crime . . . and you say, 'you go in there and plead guilty, and here is twenty-five thousand dollars on the condition that thereafter you'll say nothing. You just make the plead, take the Fifth Amendment, the judge cites you for contempt, you've got to continue to testify you don't. You do not take it.' Then you are now in a position of obstructing justice." (p. 10)

The President asked, "the obstruction they are talking about is what happened after the conviction?" and Kleindienst said yes, and the President said, "well, who the hell would -- you mean -- but I can't see Haldeman or Ehrlichman or anybody in that (unintelligible)." (p. 11) Kleindienst said "Well," and the President said, "No -- I'm just asking Let me say this -- there isn't any question that money that they have had on that or whatever -- Mitchell's defense frankly -- it would be -- you know -- these people had worked for the Committee and they were provided with money for their legal fees and for their support. That is -- this is before their conviction. Now comes the point of after their conviction. That's when the case may be, that's when you get the jeopardy." (p. 12) Kleindienst said: "Or if people are up for trial, Mr. President, you say" and the President said "No - no - no I'm sorry -- not conviction -- but after their indictment," and Kleindienst said "Yes!" (p. 12)

They agreed that payments to plead guilty and thereafter take the Fifth Amendment if immunity is offered would be obstruction of justice. (pp. 12-13)

Kleindienst told the President the story would be "all over town" Tuesday noon and that Judge Sirica was not enforcing strict requirements of law with respect to grand jury secrecy. (p. 13)

Kleindienst told the President that the prosecutor told him flatly that Mitchell and Dean would be indicted on Magruder's testimony, that the prosecutors did not know yet if Strachan will be indicted, that Chapin testified that Haldeman knew about "the so-called Segretti affair," which "casts a little bit of taint," (pp. 13-14) and that "there's a weak possible case on Colson," because Colson "knew about and was involved in a conversation pertaining to money for Liddy's projects." The President said "Yeah, I heard about that." (pp. 14-15) Kleindienst said "You know, 'Where the devil are Liddy's projects?'," and the President said "Colson denies this doesn't he?" Kleindienst said yes and that Colson "also did the unusual thing of hiring himself a lie detector test," which both the President and Kleindienst said was "stupid." Kleindienst said there was a very, very peripheral case and probably not an indictable case against Ehrlichman and Haldeman and a weak case on Colson at this point. (p. 15)

The President asked Kleindienst for his recommendation and Kleindienst said "It seems to me that so long as I do anything at the Department of Justice I cannot hereafter be with Haldeman, Ehrlichman,

Mitchell, LaRue. They won't believe that we didn't talk about the Watergate case." (p. 14) The President said "Who can you have contacts with? Me? I shouldn't be," and Kleindienst said "I think it is -- I don't know whether I need contact anyone." (p. 14) Respecting Colson, Haldeman and Ehrlichman the President said "your point is that it'll break -- that their names have been mentioned?", and Kleindienst said it would come out in trial and testimony. The President said "What's your recommendation on it?", and Kleindienst said "Well." The President then said, "Let me tell you what concerns me, if I may. I want to talk to the special prosecution a little bit. You know, it's embarrassing and all the rest, but it'll pass. We've to to -- we've got to just ride it through Dick." Kleindienst said "Yes," and the President said "Do the best we can. Right?," and Kleindienst said, "Yes sir." The President said, "We don't run to the hills on this and so forth. The main thing is to handle it right." Kleindienst said those were his inclinations. The President said "naturally because of your association with John Mitchell you would have to disqualify yourself," and Kleindienst said, "Mardian, LaRue," and the President said "Oh -- you know them all. Right-right-right." (p. 16)

The President then said that the appointment of a special prosecutor "It's sort of admitting mea culpa for our whole system of justice. I don't want to do that. I think what you ought to do -- agreed -- The Dean [apparently Sneed, then Deputy Attorney General] doesn't know probably anything about criminal law." Kleindienst said, "He doesn't know anything about this case either," and the President said, "the Dean

is a decent, honorable man and you step aside, say that the Deputy Attorney General of the United States will be in charge of this matter." (p. 17) The President said, "I have always told these people around here -- I said (expletive removed) don't hold anything back. Just burns me that they did." Kleindienst replied that "last summer the conduct of everybody over here Mr. President really created great suspicions in the minds of Silbert and Petersen, you know." The President said "Right," and Kleindienst said, "Instead of being open and frank with you, trying to create an impression of trying to help out, getting things going." The President said, "This was basically the Dean problem. He was running it." Kleindienst said, "And also I think -- well everybody was just scared to death. They didn't know where the damn thing was going to end." The President said, "They thought there was an election -- you know -- let's face it -- that's why -- why John". Kleindienst said, "Why sure -- I understand -- I understand. It'll always be an unanswered question and for that matter they were simply set in motion thereafter you know so aggravating -- you know, this little". The President said, "But after the election, I couldn't think what in the name of (expletive removed) reason did they play around then?" The President said, "You didn't know that they were doing this? I didn't know," and Kleindienst said, "No sir -- I didn't know." (pp. 17-18)

The President then said, "I didn't -- you know -- as I was -- one of the problems here -- I have always run my campaigns. I didn't run this one I must say. I was pretty busy. Or -- maybe -- handling the Russian Summit. And you you know, after the election -- we were right in

the middle of the December eighth bombing -- and holding meetings -- within the whole administration. But I just can't imagine -- at that point -- after the election is when this is supposed to have happened Understand -- I mean the others -- they were involved throughout. But I mean after the election. (Expletive removed) to condone it." (pp. 18-19) Kleindienst replied that, "It seems to me there's two overriding considerations here. One is yourself and your Presidency and secondly is the institution. Both of which I think have to be protected and preserved by the institution of justice." Kleindienst further said "the Deputy is now making all the prosecution statements" because "that Deputy is still your appointee. He's my Deputy " Kleindienst observed that as "this thing goes into trial and when this testimony comes out somebody going to come to a crescendo real fast Then Sneed is going to be under attack." (p. 19) Kleindienst said he did not know enough about Sneed to know whether he's got the ability to sit there and take it or will he do it a little bit differently than Kleindienst, and suggested Sneed had been "less than partisan for twenty years." Sneed, Kleindienst said, "has no particular attitude to you, me or anybody else." Sneed "was a good lawyer, a decent man," Kleindienst said. He "probably got his future ahead of him but whether he thinks of himself -- and I just don't know enough about him." He also said he didn't know whether Sneed had the ability in a tough situation. The President said, "Yeah -- but you got anybody else?" Kleindienst referred to a special prosecutor, and the President said, "I'm not going to appoint him," and asked who would

appoint a special prosecutor, and Kleindienst said, "I would. This would be my special prosecutor." The President said, "Got anybody in mind?" and Kleindienst said, "The Chief Justice and I are very close friends. . . . I want to get his feeling about the concept of it and also who he would recommend," and said that "everybody kind of comes together on" Barnabas Sears of Chicago, who would take over the "ultimate prosecutor responsibility." He said Sears was appointed to prosecute the killing of those blacks by the police in Chicago, was a distinguished lawyer with all those credentials and was a "very independent person." (pp. 20-21)

Kleindienst then said, "It has one aspect of it that you people realize, but Sears and I have been close friends for twenty-two years." (pp. 20-21) Kleindienst said Sears would "keep Silbert, Titus, and Petersen in place and as they progress with the case instead of having the ultimate prosecutor responsibility in me he'd do that in this function in that way." The President said, "What does that do to Mitchell?" Kleindienst said, "I would say Mitchell will be indicted." The President said, "Oh, they're all going to be indicted. Well, that's my point . . . if they're going to indict anyway that sort of . . . shows that (expletive removed) the thing does work." The President said Silbert and the rest "aren't taking any program -- we're not giving them any," and Kleindienst agreed he was not either. (p. 22)

The President suggested that another alternative was for him to call in Titus and Silbert and say, "You are totally independent here

and you are to tear this case up. Now go to it." He said, "See my point is, you call in a special prosecutor (expletive removed), he's got to learn the whole damn thing." (p. 22) The President said, "Let me think about it Dick," to which Kleindienst agreed and said, "Let's both think about it". The President said, "You would suggest Sears, I would say . . . the Dean." (p. 23) The President said " . . . I really feel that I ought to -- that frankly I've got to take the leadership on the thing and I ought to go in and say, look -- there's -- got the facts and you are to go forward with this -- and I don't care who it touches and that's it." (p. 23) The President and Kleindienst then conversed for several lines of transcript the meaning of which cannot be understood because of "unintelligibles" but ending with the President saying, "Is there enough evidence on Haldeman that I should . . . say to him, 'look Bob you take a leave of absence until this thing is cleared up'?" (p. 23) Kleindienst said right now there was not but "might be any day -- that's the question. I think that your options become reduced each day that this thing goes on." The President said, "What I am getting at is this. Is it also possible that they don't get enough on Haldeman to indict?" (p. 24)

Kleindienst answered, "he could be indicted but then at least his circumstantial participation will presume now with regard --," and the President said, "what about Ehrlichman?" Kleindienst said, "that's a close one -- a situation that would occur after they were arrested based

upon the possible projected testimony of Dean in the case." The President asked, "what will Dean say about Ehrlichman?", and Kleindienst said, "Keep in mind anything that Dean and his attorneys have told them is a conditional statement. If they don't work something out it's all withdrawn and it's not going to be used. Keep that in mind, Mr. President. But Dean intimated two things with respect to Ehrlichman. One, Dean had in his possession some documents that were taken out of Hunt's office -- that's number one." (p. 24) Kleindienst said yes to the President's question, "he's told the U. S. Attorney this?" Kleindienst then said, "Other item he issued a directive that -- to get Hunt out of the country. Instances, standing by themselves -- nothing more to say on one side or the other can constitute an obstruction of justice. They have the hard evidence right now that would lead to the indictment of John on those two counts. But it couldn't be tomorrow, two days from now away." (p. 25) The President then asked about Strachan, "Did they tell you --," Kleindienst said, "They" and the President said, "I thought on that?" Kleindienst said, "Yes sir. In fact, I've got some notes here --," and the President said, "No -- Ehrlichman?" Kleindienst said, "He's hooked." The President said, "Dean?" and Kleindienst said, "Deep six it and get Hunt out of the country." The President said, "Dean's testified that Ehrlichman told him to do that," and Kleindienst said, "Right." The President said, "Dean has told 'em, but he hasn't testified?", and Kleindienst said, "Right" and that Dean's statements to the U. S. Attorney "are conditional statements. If Dean worked out an arrangement satisfactory to Dean the U.S. Attorney's

and Dean agree that they are not going to have knowledge of these statements." The President asked, "So what would happen?", and Kleindienst explained that "in the event they don't work something out then Dean presumably wouldn't testify this way with respect to Ehrlichman or he might, depending upon what (unintelligible) [.] If they work something out, probably it would be for the purpose of -- no, no sir. There's going to be no immunity offered." (pp. 25-26) The President asked about Haldeman and Kleindienst said, "They believe this fellow Strachan is just about ready to (unintelligible) -- on the face of it." The President said "Some of this -- got some of the take in other words. Haldeman had -- if Haldeman was furnished the reports." Kleindienst replied that "Either the reports or papers that would indicate that Liddy was doing something like this," and said "Apparently there was the sum of three hundred fifty thousand dollars." The President said "Yeah -- I know about that." Kleindienst said, "Transferred from the White House to LaRue," and the President replied "Right." The President and Kleindienst further discussed the indications that Haldeman had received the reports from the bugging. (pp. 26-27) Kleindienst said that Haldeman might have had "budgetary" or "program papers that on the face of it that Liddy was engaged in an eavesdropping operation, and, you know, that Haldeman would have known about it?" (p. 27) The President said, "Haldeman could tell me though -- he's a -- I'm sure -- Bob would tell me -- he's a 'don't give a (expletive removed) kind of a guy' anyway and Ehrlichman would tell me too. The deep six thing troubles me. Although -- what was

that? Oh, I know what that could be -- that could be -- you see Hunt's operations before -- that's what that is. Hunt worked in the White House, you know, on some national security matters and I think that's what that's involved. Not the Watergate."

Kleindienst then said, "Let's get back to this concept of the Presidency, sir. . . . What you do is the right thing to do and then when having done it then it would be recognized as the right thing." (p. 28) The President said, "Right." Kleindienst then said, ". . . I think the options that you have to consider there are two. One do you, the President, what I have told you today, that might be forthcoming. And before that comes out would you ask 'em to step aside until this whole thing blows over? If it all blows over -- maybe you're not indicted or culpable. Finally you come back and they do wind up having been indicted, you at least have off of your personal staff -- those people who are going to be involved in the criminal justice system. If you don't take that step, and I -- really don't pretend to advise you on it sir -- and then if it comes out, it's leaked out and then you've got to do it after the disclosure is made publicly, you know, I think it." (p. 29) The President said, "The question really is basically whether an individual . . . can be totally . . . I mean, the point is, if a guy isn't guilty, you shouldn't let him go." Kleindienst agreed. The President said, "let's stand up for people . . . even though they are under attack," and Kleindienst said, "I know."

The President asked if in Kleindienst's opinion either Haldeman or Ehrlichman "had no knowledge of Watergate," and Kleindienst said, "I think neither one of them knew about it before," and that "Just judging from leads around here and found himself in this fantastic situation. Could have as a result of his constant communication with John Dean -- with John Dean looking for a way to save himself -- could have by the remarks that John made that would either circumstantially involve him in or be the grounds for an indictment." (p. 30) The President then said, "Increase the chances of their being indicted by letting them go? That's another (unintelligible). When I say let them go, give them a leave which --," and Kleindienst said that would be all right. (p. 30) The President then said, "you find them guilty before they have a chance to prove their ~~innocence~~, don't you?" He then said, ". . . another way you could do it is this -- you could say if that question is raised, you could move then instantly. You see the point is that -- your suggesting I should do this based on information we have now." Kleindienst said, "Which is not very good, precise." The President said, "That's the point I am making -- can on the basis of this kind of information." (p. 30) Kleindienst said, "I don't suggest anything now -- I'm just --," and the President said, "No -- no -- I know -- No -- I'm just trying -- understand -- I want to know what is the right thing to do and understand we are going to come out of this thing. The Justice Department and the Presidency are going to come out clean because I don't tolerate this kind of stuff. But the point is, Dick, I also. I can't -- I can't let an innocent man

down. That's my point." (p. 31)

Kleindienst asked what effect speculation and attack in the press would have on Haldeman's and Ehrlichman's being able to discharge their duties. The President said, "Bob could put it out first," referring to Haldeman's version of the story regarding the money and Segretti.

Kleindienst said, "Have him appear before the Grand Jury." The President said, "Will he be asked?" and Kleindienst said, "No -- except a punitive defense might ask him." The President said, "(unintelligible) here -- you don't understand (unintelligible)." Kleindienst said, "The prosecutor doesn't subpoena a punitive defendant -- his attorney doesn't -- you know this stuff is going on -- now does your guy want to come in and testify." The President said, "You see, I realize that the fellows like up at the Ervin Committee and now the Grand Jury they're going to smash the likes of Haldeman all the time but you can't let a guy go -- without a (unintelligible) if he's guilty, if you know he's innocent." (pp. 31-32)

The President said the only thing that troubled him about Haldeman and Ehrlichman is that he wondered about moving on them before. Kleindienst said, "The evidence (unintelligible)," and the President said, "See what I mean?" Kleindienst said, "Sure, I understand," and the President said, "That indicates that maybe I know something -- which I don't." (p. 33) Kleindienst said, "nor

do I" and "all that the government knows is what I have given you."
Kleindienst said he did not think Ehrlichman should have "as an
assignment for you anything further to do with this."

The President asked Kleindienst if Haldeman and Ehrlichman
were involved in the obstruction of justice or the surboring of
perjury. Kleindienst replied, "No -- no. When you get Mitchell and
Magruder and Mardian and, let's say, Dean all having one approach to
this problem, and Magruder over there you're going to have a hard
time convicting John Mitchell, Bob Haldeman, LaRue, etc. One of the
faults these lawyers find is that, you know, because, they, if this is
true, they will be a (expletive removed) difficult thing to prove."
The President said, "There's a chance Mitchell could beat this?" and
Kleindienst replied, "Oh (expletive removed) yes. It all depends on
how this other comes out but, Mr. President, if all your talking
about." (p. 35)

The President then asked what Liddy was going to do.
Kleindienst replied, "Now that's something else -- now if Liddy comes
in and corroborates Magruder and incidentally they are bitter enemies.
Magruder is afraid for his life." The President said, "Yeah?"
Kleindienst said, "Even tried to --," and the President said, "Liddy --
you say Liddy has told all, has he?" Kleindienst said, "No he hasn't
-- he hasn't said a word to anybody." (p. 36) The President said,
"Is that right? Did these guys tell you that?", and Kleindienst
said, "Yes sir. He's taken the fifth." The President said, "They

said that he's come in and talked to them. They -- that's what they're telling everybody," and Kleindienst said, "That's not true, sir." The President said, "I mean -- if Magruder says that -- he hasn't?" Kleindienst said, "To my knowledge -- I'll check that." The President said, "Find out." (p. 36)

The President then asked, "What about Hunt?" Kleindienst said "Hunt doesn't know anything." The President said, "He knows about the obstruction of justice -- somebody gave him the money. Isn't that the one where Mrs. Hunt or somebody -- I don't know what that is -- I don't know." Kleindienst responded, "You know as much about it as I do," and the President said "(unintelligible) say something (unintelligible) and I don't want to get so deeply involved." (pp. 36-37)

Kleindienst said Ehrlichman had asked him the night before to inform him if Kleindienst "had any notice that John Dean had initiated this." The President responded, "if Dean does not testify about deep sixing documents and getting Hunt out of the country they have nobody else that can say that." (p. 38)

Kleindienst also told the President that, "they [apparently the U. S. Attorneys] raised questions whether or not I should even mention that to you because of the (unintelligible)." The President said, "No, (expletive removed) you should tell me." Kleindienst said, "Oh (expletive removed) I didn't argue with them about that. That's

not anything. I'm going to tell you what I have learned." (p. 39)

The President returned to the subject of the special prosecutor; he suggested that rather than bringing in a special prosecutor, he would apparently tell the U. S. Attorneys that they are on their own. Because Kleindienst was a close associate of Mitchell, the U.S. Attorney should to report to Sneed. The President said, "Now that's the way that I think I should approach it Dick rather than bringing in a special prosecutor." (p. 39) Kleindienst replied that he had no objection to that. The President proposed that he state that he discussed it with Kleindienst and that it was Kleindienst's recommendation. Kleindienst said he had two reservations -- one was that he was "not sure about . . . Sneed," and the other, "the credibility aspect of this thing." (pp. 40-41) The President again raised the objection that a "Special Prosecutor immediately casts a doubt frankly, Dick, on the whole Justice Department." Kleindienst agreed, but suggested that they wait until Mitchell is indicted, at which point Kleindienst could recuse himself. Kleindienst continued, ". . . The special prosecutor would not try the case, Mr. President. What he would do is substitute himself for the Attorney General. Silbert would try the case, and the Special Prosecutor "would have overview with respect to what they were doing and participating in the prosecuting decisions that are made from time to time . . . And I fully realize that bringing this guy in it's -- the effect has a bad reflection upon me, you know, I understand that -- that is my recommendation." (pp. 42-43)

The President then said he thought "after your hard lining the executive privilege . . . we ought to make a deal with the Ervin Committee provided the ground rules are proper." Kleindienst agreed. The President said, "What you're saying is a bargain -- the thing by which you are going to work that out. I thought we ought to get something out on that like Monday or Tuesday. That sound good to you? That's a good a good way to be on the offensive." Kleindienst said, ". . . I understand . . . you have some thought in mind with respect to John Dean. I would respectfully urge you not to accept -- include John Dean in the package with (unintelligible) and those people you are." The President said something "unintelligible," Kleindienst said yes, the President said, "Oh yes, (expletive removed) yes, it's better now." (p. 43)

Kleindienst said, "Negotiate with the United States Attorney -- I'll tell you -- I don't think," and the President said, "No -- no. I'm putting him up. The only think I would say is that -- to him -- I would say that as President's Counsel (unintelligible) executive (unintelligible) and all that -- (expletive removed) I wouldn't even (unintelligible). The Ervin Committee though is going to be as -- nothing by the time this thing." Kleindienst said, "Oh by this time (unintelligible) we keep it in the criminal justice system where it belongs." (pp. 43-44)

The President said Silbert ought to get over there right now and tell the Ervin Committee not to go, "shouldn't he?", and Kleindienst said, "I don't know." The President asked, "how can Mitchell, for example, get a fair trial with the Ervin Committee leaking all over the place and so forth and so on. I would -- if I were the prosecuting attorney I'd say to the committee, now keep McCord and all these (expletive removed). Don't you agree?" Kleindienst said, "Sure -- if they'll do it." The President said he really thought a smart lawyer for Mitchell and other defendants "could move to quash," and Kleindienst said, "Well they could get the cases dismissed as a result of this horsing around with the Ervin Committee." (pp. 44-45) Kleindienst said "Any litigation concerning John Mitchell will probably take ten years -- you know a couple of years before trial, four or five years appeals, motions, trial." The President said, "(expletive removed) I would want to appeal the Chicago Seven, the Berrigans, and the Ellsbergs and all those (expletive removed). And they've fooled around all this

time." He further said, "Well it's a hard thing, Dick, hard thing. These fellows, even the Cubans -- or even perhaps they most of all. They were doing (unintelligible) they were helping the campaign." (p. 45) The President said, "And they just -- just showed incredibly bad judgment -- right?" Kleindienst said: "It's still a fact, Mr. President, it's been two or three months, you know, while you were getting your campaign organization going, and Mitchell was just a puppet. You know John was in a rather awkward situation being the Attorney General, having talked to those guys." (p. 46) The President added that "Magruder's sort of a lightweight in a very heavy job. . . . And then so they decided that -- gee, this is great and this is real fun -- (expletive removed). . . . " The President said, "if Haldeman had been running it it wouldn't have happened either. But look what the (expletive removed) he was doing, we were on our way to China and . . . Russia. We weren't in the campaign -- they were. We couldn't and that's why we had no control. Well, anyway, I'm not making any excuses. The thing to do now is to," Kleindienst said, "Deal with the facts as you have them." The President said "Go forward." (pp. 46-47) The President asked if they could bring down "a former Circuit Court judge like Lombard." Kleindienst replied that the Chief Justice "doesn't like that unless he has completely retired from the judiciary," and that the Chief Justice recommended Sears, and thinks there should be a special prosecutor. (p. 47)

The President asked Kleindienst "what is Petersen's reasoning". Kleindienst said Petersen believed that Kleindienst should recuse himself "now that it looks like Mitchell and --, "but Kleindienst said we haven't gotten to the point of deciding when he should do it. Kleindienst said

one thing he would do would be to "delegate the responsibility for the entire matter to Petersen, Assistant Attorney General of the Criminal Division. The President inquired whether the country [would] respect him on this?" Kleindienst said yes, and the President noted that he had not appointed Petersen who was a career man. (p. 49) The President concluded that "Petersen would be better than Sneed," and that he ought to consider calling in the prosecutors and tell them "to work with Petersen and get everything done." (p. 50)

Kleindienst said, "let's think about that" and that they "got to do something pretty quickly before this stuff gets out of hand." Kleindienst said, "In view of the disclosure made to me last night and yesterday afternoon by Ehrlichman, I think I've got to do something. I'm now on notice that Magruder, you know." The President said he told Ehrlichman to turn his information over to Kleindienst. In fact, the President said, Ehrlichman suggested it even before Magruder talked to him," and then the events caught up with us and Magruder came in, and said, look, I -- almost irrelevant. I didn't think Magruder (unintelligible). So that's why, Dick, why we've been scrupulous and your record must show that. Been scrupulous, that Ehrlichman he called you, he called you before Magruder and afterwards. We didn't wait till Magruder -- ", and Kleindienst said "That's right." After four more words the edited transcript then contains the notation, "no more sound -- tape runs out."

52. On April 15, 1973 from 2:24 to 3:30 p.m. the President met with Ehrlichman in the President's EOB office. From 3:27 to 3:44 p.m. the President spoke to Haldeman by telephone and discussed conflicts between the recollections of Magruder and Strachan concerning conversations about Watergate. At 3:48 p.m. the President returned a telephone call from Kleindienst and agreed to have Petersen join their upcoming meeting.

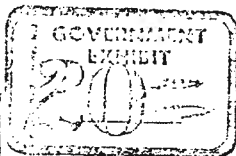
In response to the Committee's subpoena for the tape recording and other evidence of the President's meeting with Ehrlichman, his telephone conversation with Haldeman, and his telephone conversation with Kleindienst, the President has produced edited transcripts of the recordings of the Haldeman and Kleindienst telephone calls. Summaries of those transcripts have been prepared. The President has stated that the tape on the recorder for his EOB office had run out during his afternoon meeting of April 15, 1973 with Kleindienst and that no further conversations in that office were recorded.

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52.1 President Nixon daily diary, April 15, 1973, Exhibit 20, <u>In re Grand Jury</u> , Misc. 47-73.....	962
52.2 Memorandum from Tom Hart to Jack Nesbitt, July 24, 1973, Exhibit 29, <u>In re Grand Jury</u> , Misc. 47-73.....	965
52.3 House Judiciary Committee staff summary of White House edited transcript of a telephone conversation between the President and H.R. Haldeman, April 15, 1973, 3:27 - 3:44 p.m.....	968
52.4 House Judiciary Committee staff summary of White House edited transcript of a telephone conversation between the President and Richard Kleindienst, April 15, 1973, 3:48 - 3:49 p.m.....	972

52.1 PRESIDENT NIXON DAILY DIARY, APRIL 15, 1973, EXHIBIT 20,
IN RE GRAND JURY, MISC. 47-73

(See Travel Record for Travel Activity)

PLACE DAY BEGAN
*Revised, 7/26/73
THE WHITE HOUSE
WASHINGTON, D.C.



DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

12:09 a.m. SUNDAY

TIME		PHONE Pl-Placed R-Received		ACTIVITY
In	Out	To	LD	
12:09	12:16	P		The President talked with Army Vice Chief of Staff Gen. Alexander M. Haig, Jr.
12:20	12:32	P		The President talked with television writer and producer Paul W. Keyes.
12:33		P		The President telephoned his Press Secretary, Ronald L. Ziegler. The call was not completed.
12:35	12:45	P		The President talked with his Assistant, Henry A. Kissinger.
1:01	1:04	P		The President talked with Mr. Ziegler.
8:41		R		The President was telephoned by Attorney General Richard G. Kleindienst. The President's Special Assistant, Stephen B. Bull, took the call.
9:45				The President had breakfast.
10:02		R		The President was telephoned by Mr. Kissinger. Mr. Bull took the call.
10:13	10:15	R		The President talked with Attorney General Kleindienst.
10:16	10:17	P		The President talked with Mr. Kissinger.
10:35				The President went to the Oval Office.
10:35?	11:15			The President met with his Assistant, John D. Ehrlichman.
11:15				The President returned to the second floor Residence.
11:17				The President and the First Lady went to the Yellow Oval Room.
11:17	11:32			The President and the First Lady had coffee with: Rev. Edward V. Hill, pastor of the Mount Zion Missionary Baptist Church, Los Angeles, California Mrs. Edward V. Hill
11:32				The Presidential party went to the East Room.
11:33	12:07			The President and the First Lady hosted a worship service conducted by Rev. Mr. Hill. The Rochester Male Chorus of Rochester, Minnesota also participated in the service. For a list of guests, see <u>APPENDIX "A."</u>

Source: Misc # 47-73 In re Grand Jury Proceedings

Page 1 of 3 Page(s).

52.1 PRESIDENT NIXON DAILY DIARY, APRIL 15, 1973, EXHIBIT 20,
IN RE GRAND JURY, MISC. 47-73

PRESIDENT RICHARD NIXON'S DAILY DIARY
(See Travel Record for Travel Activity)

DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

12:11 P.M. SUNDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE Placed Received		ACTIVITY
In	Out	Lo	LD	
12:11				The President and the First Lady, accompanied by Rev. Mr. and Mrs. Hill, went to the State Dining Room. Enroute, they participated in a photo opportunity at the foot of the Grand Staircase. White House photographer, in/out
12:11	1:05			The President and the First Lady received their guests. Members of the press, in/out White House photographer, in/out
1:05				The President and the First Lady went to the Grand Hall.
1:05				The President and the First Lady participated in a photo opportunity with the Rochester Male Chorus. White House photographer, in/out
1:11				The President went to his office in the EOB.
1:12	2:22			The President met with Attorney General Kleindienst.
2:30?	3:30			The President met with Mr. Ehrlichman.
3:27	3:44	P		The President talked with his Assistant, H. R. Haldeman.
3:36		R		The President was telephoned by Attorney General Kleindienst. The call was not completed.
3:48	3:49	R		The President talked with Attorney General Kleindienst.
3:50		P		The President telephoned Mr. Rebozo. The call was not completed.
4:00	5:15			The President met with: Attorney General Kleindienst Henry E. Petersen, Assistant Attorney General
5:17		P		The President telephoned Mr. Ehrlichman. The call was not completed.
5:25				The President went to West Executive Avenue.
5:25	5:32			The President and Mr. Rebozo motored from the EOB to Pier One of the Washington Navy Yard. Enroute, the President greeted members of the crowd assembled at the north exit of West Executive Avenue.
5:32				The President and Mr. Rebozo boarded the <u>Sequoia</u> .

52.1 PRESIDENT NIXON DAILY DIARY, APRIL 15, 1973, EXHIBIT 20,
IN RE GRAND JURY, MISC. 47-73

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

5:32 p.m. SUNDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE Placed Received		ACTIVITY
In	Out	Lo	LD	
				The President and Mr. Rebozo were greeted by Lt. Cdr. Andrew J. Combe, Captain of the <u>Sequoia</u> .
5:37	7:24			The President went boating on the <u>Sequoia</u> . He was accompanied by: Mr. Rebozo Lt. Col. William L. Golden, Military Aide Maj. Gen. Walter R. Tkach, Personal Physician Manolo Sanchez, valet
7:24				The <u>Sequoia</u> docked at Pier One of the Washington Navy Yard.
7:34	7:42			The President and Mr. Rebozo motored from the Washington Navy Yard to West Executive Avenue.
7:43				The President returned to his office in the EOB.
7:50	9:15			The President met with: Mr. Ehrlichman Mr. Haldeman
8:14	8:18	P		The President talked with Mr. Petersen.
8:25	8:26	P		The President talked with Mr. Petersen.
9:17	10:12			The President met with his Counsel, John W. Dean III.
9:39	9:41	P		The President talked with Mr. Petersen.
10:16	11:15			The President met with: Mr. Haldeman Mr. Ehrlichman
11:21				The President returned to the second floor Residence.
11:45	11:53	P		The President talked with Mr. Petersen.
				SM/CD/JD

THE WHITE HOUSE

WASHINGTON

July 24, 1973

MEMORANDUM FOR: MR. JACK NESBITT
Presidential Papers

FROM: TOM HART T.

SUBJECT: President's Daily Diary -
April 15, 1973

Your office has called my attention to the President's Daily Diary of April 15, 1973, particularly the discrepancies therein with certain individuals meeting the President and has asked for clarification on these points. I will try to give these clarifications to you to the best of my knowledge and recollection together with conversations I have had with others and their knowledge and recollection concerning this day.

1. The diary shows the President going to the Oval Office from the Residence at 10:35 a.m. and departing the Oval Office at 11:15 a.m. and returning to the Residence. There is an accompanying note from the Secret Service which states: "No meetings in Oval Office between 10:35 - 11:15 a.m." The President, in fact, did meet with John Ehrlichman in the Oval Office during this period of time. It probably went unnoticed by the Secret Service as Mr. Ehrlichman would probably have entered through the private door in Mr. Bull's office. I arrived at my office at approximately 11:00 a.m. and met Manolo Sanchez there. He told me that the President was meeting with Mr. Ehrlichman at that time. Mr. Sanchez and myself waited for the President to leave as we knew he was expected at the Yellow Oval Room on the second floor of the Residence to have coffee with the Reverend E.V.

2.

Hill who was the Minister for the White House Worship Service that same morning. The President did leave his office at 11:15 a.m. and returned to the Residence alone. We were not sure exactly when Mr. Ehrlichman entered the Oval Office but it apparently was sometime between 10:35 and 11:00 a.m. when I had arrived. Mr. Sanchez confirms this information.

2. The diary shows that the President met with Attorney General Kleindienst beginning at 1:12 p.m. The Attorney General was over in the EOB outer office waiting for the President to arrive and as soon as he arrived they went in together. This is confirmed by Mr. Bull and Mr. Sanchez. The diary shows that the President met with John Ehrlichman at 1:24 until 3:30 p.m. Mr. Sanchez has told me that he recalls that Attorney General Kleindienst met with the President alone until he left and then approximately five or ten minutes after he left Mr. Ehrlichman came in and met with the President alone. Therefore, I believe that Mr. Ehrlichman met with the President at some point after the Attorney General left at 2:22 p.m. The EPS log showed Mr. Ehrlichman in at 1:24 p.m. It probably should have read 2:24 p.m. Mr. Sanchez recalls that Mr. Ehrlichman met with the President alone for forty-five minutes to an hour.

3. The diary shows that the President met with Mr. Rebozo from 3:25 until some time after 5:00 p.m. This is erroneous as Mr. Rebozo did not meet with the President that afternoon. This information probably came from the EPS log which shows that Mr. Rebozo entered the complex of EOB offices at that time but to the recollection of Mr. Sanchez and of Colonel Golden who was the duty Military Aide that day, Mr. Rebozo waited outside the President's EOB office with Colonel Golden and Mr. Sanchez until shortly after 4:00 p.m. when Attorney General Kleindienst and Assistant Attorney General Henry Petersen entered to meet with the President. Mr. Rebozo then returned to the Residence. Mr. Rebozo did accompany the President when he left his EOB office at 5:25 p.m. to go out for a boat ride on the Sequoia. I believe that these discrepancies have arisen in the log because of the fact that the true times

3.

kept for persons meeting with the President in his EOB office are generally kept by the receptionist who sits outside his door there and that on this particular day which was a Sunday there was no receptionist there because there is generally no need for one as the President does not usually have such meetings on a Sunday. When such meetings do occur when the receptionist is not there, your office generally relies on the EPS log for meeting information. This can be erroneous as a person can be logged as to entering the complex of the President's EOB office without that person entering the inner-office and meeting there with the President. This, I suspect, was the problem with the discrepancies that your office has called our attention to on that particular day.

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

April 15, 1973 3:27 p.m. to 3:44 p.m.

On April 15, 1973, the President and H. R. Haldeman had a telephone conversation from 3:27 to 3:44 p.m. Haldeman told the President that he was working on his statement and had discussed it with Rogers, who "has some real reservations" about whether we "should go up there" to the Ervin Committee to testify publicly while the Grand Jury was still deliberating. Haldeman said that Rogers believed that they could make a commitment to testify in executive session, that the public would be satisfied when indictments came down anyway, and that the hearings would have to stop if the indictments were at a high level. Haldeman indicated that he agreed with Rogers, and added that "if we agree to go up and the Grand Jury comes down with indictments they will probably turn off the hearings for a time anyway So we would have appeared to be forthcoming but we wouldn't maybe have to go." (pp. 1-5)

The President stated that Ehrlichman had talked to Moore, who thought that "it isn't going to make any difference," but that public testimony would have the President be forthcoming. The President added, "But what does that do? Let the President be forthcoming and let them kill us." (pp. 2-3)

The President mentioned that the Committee would be "denied some of their principal witnesses," naming specifically Mitchell and Magruder. (p. 4) They discussed polls briefly, (pp. 5-6) and mentioned that both Kleindienst and Rogers were for the Special Prosecutor. The President said that

he had come to that conclusion, too, for the reason that there should be a special prosecutor not to prosecute the case but to see that the indictments ran to everybody they needed to run to, so that it wasn't just the President's men. Haldeman said that did protect the President against charges of a cover-up "if they don't indict some of us." The President said that he was leaning toward Wright, from the Texas Law School, for Special Prosecutor. (pp. 6-7)

The President said that he had questions about Magruder's credibility, and that Strachan told Ehrlichman that Magruder had asked Strachan to "concoct with him the story that he, Strachan, did walk across the street with Magruder and tell Magruder to go forward with the operation." The President commented that "a hell of a lot of Magruder's stuff, even on Mitchell, may be open to serious question," and added, "I think now he has lied so much is he going to lie again and work with his attorneys and get himself separated from all this thing, etc. I think Strachan will be a damn believable witness when he goes down there. I really feel he will be." Haldeman said he would if he stayed to the truth, and the President said, "If he just tells the truth." Haldeman agreed that Magruder had changed his story several times, and added, that he could understand Magruder's difficulty.

Haldeman said, "It is hard for me to remember what's true, having just heard all of these other people's stories. It is difficult to sort the stuff out. If you start lying yourself [sic] --" (pp. 8-10)

The President said that Rogers' point was good that an indictment of "a hell of a big fish...is going to take a lot of the fire out of this thing on the cover up and all that sort." Haldeman said that he agreed and that this would explain what to the people was now a phony looking thing. The President said, "Explain that they did it, and then of course the cover up comes in and they did that too." Haldeman said "it all makes sense, it is logical, believable, because it's true." The President agreed. Haldeman said "that public reaction is going to be, well, thank God that is settled." He said "I think people want solutions; they don't want ongoing problems." (pp. 10-11)

There was further discussion of the publicity aspects of the matter. The President said that he rejected Kleindienst's suggestion that he make a "Checker's Speech." The President commented that the Special Prosecutor "gets one person between me and the whole thing," and that "the Dean report now has been totally discredited." They

discussed the statement the President would make "when they indict Mitchell, and Mitchell doesn't plead guilty". The President said, "(I don't know whether I can say I am confident in his innocence)." They decided he should say that "[i]t is not proper for me to comment except that he is a fine man," Haldeman suggested the President express his faith in the system. Haldeman said, "You know there is a lot to be gained from this if the damn system comes out right." The President said, "That's right," and Haldeman continued, "In restoring people's faith in the system, rather than in this jackass kangaroo court." (pp. 11-13)

At the end of the conversation, the President asked Haldeman to tell Ehrlichman that he liked Rogers' thoughts about the Ervin Committee. (p. 13)

SUMMARY OF EDITED WHITE HOUSE TRANSCRIPT

APRIL 15, 1973, 3:48 p.m.

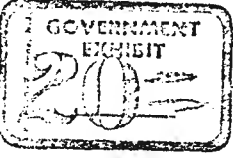
On April 15, 1973, the President telephoned Kleindienst at about 3:48 p.m. Kleindienst asked if he could bring Petersen to their meeting. The President agreed. Kleindienst said that he and Petersen would be over "in a couple of minutes."

53. On April 15, 1973 Petersen and Kleindienst met with the President from 4:00 to 5:15 p.m. in the President's EOB office. Petersen has testified that he reported on the information that the prosecutors had received from Dean and Magruder and that his report included the following: that Mitchell had approved the \$300,000 budget for the Liddy "gemstone" operation; that budget information for "gemstone" and summaries of intercepted conversations were given to Strachan and that information given to Strachan was for delivery to Haldeman; that if the prosecutors could develop Strachan as a witness, "school was going to be out as far as Haldeman was concerned"; that Ehrlichman through Dean informed Liddy that Hunt should leave the country; and that Ehrlichman had told Dean to "deep six" certain information recovered by Dean from Hunt's office. Petersen has also testified that he recommended that Haldeman and Ehrlichman be dismissed, but Dean be retained while cooperating with the prosecutors. Petersen has testified that the President: exhibited a lack of shock and emotion; spoke well of Haldeman and Ehrlichman; suggested that Dean and Magruder were trying to exculpate themselves; suggested a cautionary approach to the granting of immunity; stated that he had first learned that there were more significant problems than he had anticipated on March 21, 1973, although he did not tell Petersen what Dean had told him on that date; stated that he had told Dean to write a report but that Dean had been unable to write a report; stated that he told Ehrlichman to conduct an investigation after Dean failed to deliver his report; stated that Haldeman and Ehrlichman had denied the charges against them; and requested

that Petersen reduce to writing what he had said to the President about Haldeman and Ehrlichman.

The Committee has subpoenaed the tape recording and other evidence regarding this conversation. The President has stated that the tape on the recorder for his EOB office ran out during his afternoon meeting with Kleindienst.

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53.1 President Nixon daily diary, April 15, 1973, Exhibit 20, <u>In re Grand Jury</u> , Misc. 47-73.....	975
53.2 Henry Petersen testimony, Watergate Grand Jury, February 5, 1974, 2-12 (received from Watergate Grand Jury).....	978
53.3 Henry Petersen testimony, 9 SSC 3627-29, 3632-35...	989
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53.9 Henry Petersen testimony, Watergate Grand Jury, August 23, 1973, 68-72 (received from Watergate Grand Jury).....	1006
53.10 President Nixon remarks, April 17, 1973, 9 Presidential Documents 387.....	1011

THE WHITE HOUSE		PRESIDENT RICHARD NIXON'S DAILY DIARY (See Travel Record for Travel Activity)		DATE (Mo., Day, Yr.) APRIL 15, 1973
PLACE DAY BEGAN *Revised, 7/26/73 THE WHITE HOUSE WASHINGTON, D.C.				TIME DAY 12:09 a.m. SUNDAY
TIME		PHONE P=Placed R=Received	ACTIVITY	
In	Out	Lo	LD	
12:09	12:16	P		The President talked with Army Vice Chief of Staff Gen. Alexander M. Haig, Jr.
12:20	12:32	P		The President talked with television writer and producer Paul W. Keyes.
12:33		P		The President telephoned his Press Secretary, Ronald L. Ziegler. The call was not completed.
12:35	12:45	P		The President talked with his Assistant, Henry A. Kissinger.
1:01	1:04	P		The President talked with Mr. Ziegler.
8:41		R		The President was telephoned by Attorney General Richard G. Kleindienst. The President's Special Assistant, Stephen B. Bull, took the call.
9:45				The President had breakfast.
10:02		R		The President was telephoned by Mr. Kissinger. Mr. Bull took the call.
10:13	10:15	R		The President talked with Attorney General Kleindienst.
10:16	10:17	P		The President talked with Mr. Kissinger.
10:35				The President went to the Oval Office.
10:35?	11:15			The President met with his Assistant, John D. Ehrlichman.
11:15				The President returned to the second floor Residence.
11:17				The President and the First Lady went to the Yellow Oval Room.
11:17	11:32			The President and the First Lady had coffee with: Rev. Edward V. Hill, pastor of the Mount Zion Missionary Baptist Church, Los Angeles, California Mrs. Edward V. Hill
11:32				The Presidential party went to the East Room.
11:33	12:07			The President and the First Lady hosted a worship service conducted by Rev. Mr. Hill. The Rochester Male Chorus of Rochester, Minnesota also participated in the service. For a list of guests, see <u>APPENDIX "A."</u>

Source: Misc. # 47-73 In re Grand Jury Proceedings

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

12:11 P.M. SUNDAY

THE WHITE HOUSE

WASHINGTON, D.C.

TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	Lo	LD	
12:11				The President and the First Lady, accompanied by Rev. Mr. and Mrs. Hill, went to the State Dining Room. Enroute, they participated in a photo opportunity at the foot of the Grand Staircase. White House photographer, in/out
12:11	1:05			The President and the First Lady received their guests. Members of the press, in/out White House photographer, in/out
1:05				The President and the First Lady went to the Grand Hall.
1:05				The President and the First Lady participated in a photo opportunity with the Rochester Male Chorus. White House photographer, in/out
1:11				The President went to his office in the EOB.
1:12	2:22			The President met with Attorney General Kleindienst.
2:30 ?	3:30			The President met with Mr. Ehrlichman.
3:27	3:44	P		The President talked with his Assistant, H. R. Haldeman.
3:36		R		The President was telephoned by Attorney General Kleindienst. The call was not completed.
3:48	3:49	R		The President talked with Attorney General Kleindienst.
3:50		P		The President telephoned Mr. Rebozo. The call was not completed.
4:00	5:15			The President met with: Attorney General Kleindienst Henry E. Petersen, Assistant Attorney General
5:17		P		The President telephoned Mr. Ehrlichman. The call was not completed.
5:25				The President went to West Executive Avenue.
5:25	5:32			The President and Mr. Rebozo motored from the EOB to Pier One of the Washington Navy Yard. Enroute, the President greeted members of the crowd assembled at the north exit of West Executive Avenue.
5:32				The President and Mr. Rebozo boarded the <u>Sequoia</u> .

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

5:32 p.m. SUNDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE Placed Received		ACTIVITY
In	Out	Lo	LD	
				The President and Mr. Rebozo were greeted by Lt. Cdr. Andrew J. Combe, Captain of the <u>Sequoia</u> .
5:37	7:24			The President went boating on the <u>Sequoia</u> . He was accompanied by: Mr. Rebozo Lt. Col. William L. Golden, Military Aide Maj. Gen. Walter R. Tkach, Personal Physician Manolo Sanchez, valet
7:24				The <u>Sequoia</u> docked at Pier One of the Washington Navy Yard.
7:34	7:42			The President and Mr. Rebozo motored from the Washington Navy Yard to West Executive Avenue.
7:43				The President returned to his office in the EOB.
7:50	9:15			The President met with: Mr. Ehrlichman Mr. Haldeman
8:14	8:18	P		The President talked with Mr. Petersen.
8:25	8:26	P		The President talked with Mr. Petersen.
9:17	10:12			The President met with his Counsel, John W. Dean III.
9:39	9:41	P		The President talked with Mr. Petersen.
10:16	11:15			The President met with: Mr. Haldeman Mr. Ehrlichman
11:21				The President returned to the second floor Residence.
11:45	11:53	P		The President talked with Mr. Petersen.

SM/CH/IN

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P R O C E E D I N G S

Whereupon,

HENRY E. PETERSEN

was called as a witness and, having been first duly sworn by the Foreman of the Grand Jury, was examined and testified as follows:

BY MR. BEN-VENISTE:

Q Would you state your full name for the record, please?

A My name is Henry E. Petersen.

Q Mr. Petersen, you're reappearing this morning before the Grand Jury at the request of the Grand Jury as a result of the information received by the Grand Jury in the interim since your last appearance here, about which, they would like to ask some questions.

It will go to the period of around April the 15th, 1973, and I ask whether, on that day, you met with the President of the United States.

A I did.

Q Now, can you give us the substance of that meeting or meetings, as you recall them?

A Yes, I can. Perhaps, first, I suppose I ought to explain how I came to meet with the President of the United States.

Attorney General Kleindienst called me at my home

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1 sometime that afternoon on Sunday, April 15th, and asked me
2 to come down to the office. I told him I wasn't appropriately
3 dressed, did it make any difference, and he said, no.

4 I went down to the office in sports clothes, met
5 him in his office, and there was no one else there. He ad-
6 vised me that he -- as he had indicated he would, earlier
7 that morning about 5:00 a.m., that he had seen the President
8 of the United States briefly following a prayer breakfast
9 at the White House at about 11:00 a.m. And that he was to
10 see the President later, again, that afternoon at 3:15 or
11 thereabouts, and that one of the things that he was going to
12 do, when he saw the President, was to recuse himself from
13 the investigation because of the individuals who were involved
14 and that, when he did so, the obligation for the conduct of
15 the investigation would fall upon me.

16 He had written a memorandum -- handwritten on yellow
17 paper -- indicating his recusal and his appointment of me to
18 carry on those duties.

19 About that time, he said, "I think you ought to
20 come with me to see the President." And I said I wasn't
21 appropriately dressed.

22 He called the White House. I don't know to whom he
23 spoke but, apparently, he got permission for me to come along

24 We went to the President's Office and we went, with
25 him, in the Executive Office Building. We discussed Mr.

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1 Kleindienst's recusal and, as a follow-up to the conversation
2 -- or apparent conversation -- earlier in the day between the
3 President and Mr. Kleindienst -- I say apparent because it's
4 never been clear to me to whom he spoke, what he said, how
5 long that conversation was.

6 But, in apparent follow-up of that, he gave the
7 President a brief statement of the evidence implicating Mr.
8 Haldeman and Mr. Ehrlichman and the suggestion that, in order
9 to protect the Presidency, that he ought to disassociate
10 himself from those people immediately.

11 Basically, that was the nature of the conversation.
12 The contents, with respect to substance, was more pointed
13 towards Mr. Ehrlichman and it related to what Mr. Dean had
14 said, that Ehrlichman knew and what Magruder had said.

15 Q I think you may be referring to Mr. Haldeman when
16 you mentioned Mr. Ehrlichman.

17 A Yes, I did, excuse me. I confused them. Particular
18 with respect to what Mr. Dean had said concerning Mr. Halde-
19 man and what Mr. Magruder had said and, with special emphasis,
20 that Magruder's testimony related to information that he,
21 Magruder, had given to Strachan before the break-in.

22 It specifically concerned a budget statement of the
23 project from which Magruder said the nature of the project
24 could have been ascertained and, secondly, transcripts of the
25 logs which Magruder said were given to Strachan, and the only

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1 reason they were given to Strachan was for transmittal to
2 Haldeman. Though he could not testify that they had, in
3 fact, been transmitted to Haldeman, but he certainly considered
4 Strachan to be their liaison between themselves and Haldeman.

5 With respect to Ehrlichman, as I recall -- all of
6 which is summarized in a memorandum for the President, a copy
7 of which you all have -- there was a statement by Dean, I
8 think, that there was some discussion between him and Ehrlich-
9 man concerning the amount of money that was to be made avail-
10 able to those people.

11 There was then some discussion about whether or
12 not this -- I was saying we were going to charge and convict
13 these people, and I replied that, with respect to Ehrlichman,
14 we had almost a prima facie case but that depended on whether
15 or not Strachan could corroborate Magruder.

16 Q Again, Mr. Petersen, you said Ehrlichman when I
17 think you meant Haldeman.

18 A I meant Haldeman. Very strange to figure that out.
19 I've never met Mr. Haldeman.

20 In any event, that was the thrust of the conversa-
21 tion with the President from my point of view and it was
22 incumbent upon him to do something and do something quickly.
23 Otherwise, the impact on the Presidency was going to be
24 drastic -- prophetic statement.

25 Q What did the President reply?

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1 A Well, I cannot fix any specific reply -- pungent,
2 pithy statement that he made. He spoke well of Ehrlichman
3 and Haldeman; thought that it seemed difficult for him to
4 comprehend; seemed to think -- seemed to fear I guess is a
5 better term -- that perhaps John Dean was simply trying to
6 exculpate himself and that he was really responsible; that
7 he didn't know about these things at all until Dean had
8 told him on March 21st; and that, at that point, he had asked
9 Ehrlichman to look into the matter.

10 With respect to Magruder, I think he felt the same
11 way, and I probably told him that we were trying to develop
12 Strachan as a witness and if we developed Strachan as a wit-
13 ness, school was going to be out, as far as Haldeman was
14 concerned.

15 Q Did the President, in that conversation, Mr. Peter-
16 sen, mention the so-called Dean report?

17 A He mentioned that he, after Dean -- and, apparently,
18 after March 21st, when Dean had come to him, he had sent
19 Dean, he said, to Camp David to write a report and Dean came
20 back and told him that he, Dean, wasn't able to do it.

21 And the President said, "Well, no wonder he was not
22 able to do it" -- these are not quotes, but -- "No wonder
23 he was not able to do it, really. It was a report which would
24 implicate himself. He just couldn't bring himself to do it."

25 Q And did the President indicate to you, in the

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1 course of that meeting, whether or not he could believe John
2 Dean or did believe John Dean as a result of what Mr. Dean
3 told him on March 21st?

4 My question is whether that was related to the
5 President telling you that he had asked Ehrlichman to write
6 a report.

7 A I don't think --

8 Q And make an investigation.

9 A I'm puzzling over the use of your word "believe."
10 Certainly, the President's attitude, as I interpreted it,
11 was that he found it difficult to believe, but I don't mean
12 to imply that he was saying John Dean was lying about this
13 or so-and-so. And because he found his situation unbelievable,
14 incredible, he had asked Ehrlichman to look into the facts
15 of the matter and to give him the report that John Dean should
16 have given him.

17 I think one of the things I asked him was, "Well,
18 didn't Dean ever give you a report of all of this?" And he
19 said, no, Dean had never given him a report. This was common-
20 place in the press that Dean had.

21 Q Did the President indicate to you anything about
22 the substance of Mr. Ehrlichman's report?

23 A No, he did not.

24 Q Did the President indicate to you whether Mr. Dean,
25 back in March, had told the same or a similar set of facts
concerning the involvement of Haldeman and Ehrlichman?

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1 A I didn't gather that. I don't think it was speci-
2 fically discussed. My reaction to that is that the President
3 was, in fact, saying that Dean came and told him what he had
4 been doing with the Committee, and that whether or not he
5 specifically got into discussions of what Haldeman and Ehrlich-
6 man were doing, I don't know.

7 I couldn't draw that. I had to conclude that that
8 was somewhat muted. Otherwise, the President would not have
9 chosen one who was deeply involved to investigate the matter
10 anew. But that assumes innocence on the part of the parties
11 involved, of course.

12 Q As a result of the President having told you that
13 Dean may have been making the statements that you related to
14 the President in order to exculpate or help himself in some
15 way, did you conclude that this was something recently dis-
16 closed by Dean and not something which Dean may have been
17 telling people at an earlier date than you had learned?

18 A Well, I can't be certain, but my reaction to that
19 is that I was dissatisfied from what I considered to be the
20 President's knowledge based on the earlier conversation, and
21 it was because of that dissatisfaction that I suggested that
22 he now talk to John Dean again; that he hear directly from
23 John Dean what John Dean was telling the Prosecutors.

24 There is another reason for that. We were under
25 some inhibitions with respect to what Dean was telling us.

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1 It was told to us in confidence. So we were told in confi-
2 dence with the commitment that it would not be used directly
3 or indirectly. I didn't feel free to put, you know, whatever
4 I had of that out, but I certainly felt that it was entirely
5 proper for the President, as head of the Government -- par-
6 ticularly the man in charge of the White House -- to be in-
7 formed of these things so that he could take proper admini-
8 strative action.

9 And for those two reasons, I suggested that he talk
10 with John Dean. And they did talk that night.

11 Q My question really focuses on whether you got the
12 impression, after the President described those motives to
13 Mr. Dean for having come to the Prosecutors with this in-
14 formation, that this was news to the President. That the
15 involvement of Haldeman and Ehrlichman, as Dean explained it,
16 at least preliminary to the prosecutors, was new information
17 coming to the President from you rather than from Dean at an
18 earlier time?

19 A Well, there's no statement that I could attribute
20 to the President that would definitely answer that question.

21 My reaction to the April 15th was that the Presi-
22 dent exhibited a lack of shock, or that he was in immense
23 control of himself. But these are reactions.

24 A man, who is used to dealing with global crises
25 probably takes these things in stride. But he was calm and

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1 collected.

2 Q So he did not seem surprised by your narration that
3 Haldeman and Ehrlichman seemed to be involved in some criminal
4 activity?

5 A Well, there was no visible sign of emotion, in any
6 event.

7 Q Did the President indicate to you whether Mr. Halde-
8 man or Mr. Ehrlichman, or both, had denied the facts related
9 by you to the President about them?

10 A I'm not sure that he did so on the 15th. There
11 was a time earlier in that week, and I can't fix a date,
12 when the President said, "Well, you know, they think they're
13 innocent." But then he said, "I suppose everybody always
14 thinks he's innocent." That's one of his statements that
15 stands out in my mind.

16 So, you know, I assumed that there was some dis-
17 cussion by him with them in which they protested.

18 Q Did you ever tell the President not to dismiss or
19 call for the resignations of Haldeman or Ehrlichman before
20 corroboration was obtained?

21 A No. No, indeed. My point was whether or not we
22 have a case. What we're talking about is fitness to hold
23 office and they were not fit to hold office in the White
24 House, and I stated that starkly.

25 Q And was there a discussion, at this time, about

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1 whether or not John Dean and/or others ought to be immunized
2 from prosecution?

3 A There was some discussion of immunity, yes. And
4 one of the questions the President raised was whether or not
5 Dean was talking this way about others in order to save him-
6 self.

7 And I guess my response was, "That wasn't one of
8 the hard questions we had to determine, in any immunity grant.
9 And, certainly, it was our responsibility to corroborate the
10 information and that, in any event, I was fully aware of the
11 implications of immunizing upper echelon leaders in the Govern-
12 ment in this type of investigation.

13 This debate went on for a couple of days in which,
14 I felt, I made it quite clear that the responsibility was
15 mine under the Statute, but I received no direction from the
16 President not to immunize.

17 Q Could you characterize it as at least a cautionary
18 discussion in which the President brought to you possible
19 reasons why immunity should not be extended?

20 A Yes. I think you could describe it as a cautionary
21 discussion. But the type of cautionary discussion that any-
22 one opposed to immunity in principle might entertain. I
23 couldn't describe any motive to it.

24 Q Now, earlier, you indicated, with respect to the
25 so-called Dean report, that the President said that Dean

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1 could not, in substance, bring himself to put it on paper
2 because it would be a confession of Dean's own improper or
3 illegal activities.

4 Was it your impression, or did the President indi-
5 cate, that Dean had not, at the time that the President asked
6 Dean to prepare such a report, provided information which
7 would be incriminatory of Dean?

8 A Well, I suppose I better give you -- I think that
9 might be a fair inference but the President said, "Dean came
10 in and told me all about these things. My goodness, that was
11 the first time I heard. I sent him up to Camp David and told
12 him, 'Sit down and write this out.' He came back and hadn't
13 done it." Conclusion -- which was the President's -- "I
14 suppose he was too involved to be able to do it."

15 "And, at that point, I asked Ehrlichman to sit down
16 and get me the facts."

17 So there are two inferences. One that Dean was
18 distraught and, two, that he was involved, and three, the
19 President, now, couldn't rely on him because the President
20 thought he was involved, in any event -- that's a possible
21 third inference.

22 Q Now, do you recall discussing with the President,
23 at some time -- strike that.

24 I think you have testified earlier that the Presi-
25 dent, at some time, indicated to you that Dean had been

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so I called John Dean on the telephone and told him, John, there is no point in my coming over there, we are going to recommend jail time and these people are going to be immunized and we then discussed what immunity meant, what the alternatives are—and they are: you can be contumacious and go to jail almost immediately or you can lie and take your risk that the Government will be able to prove it, which may give you a little bit of time, or you can cooperate, and I spelled those out for him and that ended the conversation.

Mr. DASH. We have had testimony from Mr. Kleindienst and I think Mr. Kleindienst indicated that you perhaps would be our better witness as to what occurred on April 14 which led also to a meeting on April 15 with the President. What actually led to the meeting that you had with Mr. Titus, Mr. Silbert, Mr. Glanzer, Mr. Campbell, on April 14?

Mr. PETERSEN. Mr. Silbert was trying to get me all throughout the day on April 14. I did not get home until approximately 6 or 7 o'clock in the evening. I called him and he said it was imperative that he see me, that he, Titus, Silbert, Glanzer, meet with me immediately. And I agreed. So we set up a meeting in my office at 8:30 that night. They came down and they launched into the fact they had made a breakthrough in the Watergate case and that it was of significant proportions and that they were in the course of attempting to negotiate an agreement for John Dean's testimony and they had received certain information from him in the course of the negotiations which they had agreed not to utilize unless some type of agreement was reached. They had received also testimony from Jeb Stuart Magruder which seemed to corroborate the skeletal facts Mr. Dean had given them and that on the basis of all of these facts they concluded that Mr. Mitchell, Mr. Mardian, Mr. LaRue, Mr. Magruder, Mr. Ehrlichman, Mr. Haldeman, Mr. Dean, were putative defendants.

Mr. DASH. When you had that information, did you call Mr. Kleindienst or did Mr. Kleindienst call you?

Mr. PETERSEN. That was the night of the White House correspondents' dinner and I had great difficulty in getting in touch with Mr. Kleindienst and we finally left word for the White House to get in touch with his car, radio car, and he called me I guess around 12:30 a.m., after the dinner. We then made arrangements to meet at his home.

Mr. Titus and Mr. Silbert and I arrived at his home around 1:30 or 2 o'clock in the morning and we proceeded between then and 5 a.m. to give him a recitation of what we thought was in the offing and who was involved.

Mr. DASH. I take it these are the same facts that you had been briefed on by the prosecutors.

Mr. PETERSEN. That is right, and, of course, it was the unanimous recommendation of all of us that he inform the President immediately because of the implications. This was really the first information that we had to tie it to people of the stature of Mr. Mitchell and Mr. Haldeman and Mr. Ehrlichman.

Mr. DASH. And did you set up a meeting or did Mr. Kleindienst set up a meeting with the President?

Mr. PETERSEN. Mr. Kleindienst agreed he would set up such a meeting with the President and, as I recall, he said he was going to—there

was a prayer breakfast over there and he would attempt to set it up while he was there.

I next heard from Mr. Kleindienst at approximately 2 o'clock Sunday afternoon and he asked me to come down to the office and I did so, and while there, he said he was going to go and see the President again at 3 or 3:30 p.m., and maybe it would be a good idea if I would come with him, and I said OK.

Mr. DASH. Was it at that time that you and Mr. Kleindienst gave a complete briefing as to what you had learned from the prosecutors—

Mr. PETERSEN. Yes, sir.

Mr. DASH [continuing]. To the President?

Mr. PETERSEN. Yes, sir.

Mr. DASH. Can you tell the committee what the reaction of the President was at that time?

Mr. PETERSEN. Well, I guess the reaction of the President was one of concern when I remember remarking to Mr. Kleindienst how I admired his calm. I would have been cussing and fuming. He was concerned, and you have to understand that I had seen the President only on ceremonial occasions or briefings on legislation. He didn't know me from Adam.

Mr. DASH. This was your first face-to-face meeting with the President, then, wasn't it?

Mr. PETERSEN. Yes; at any time in a situation where he was relying solely on my advice, and here I was recommending that two people whom he had known and worked with for years be dismissed.

Mr. DASH. Who were they?

Mr. PETERSEN. Mr. Haldeman and Mr. Ehrlichman.

Mr. DASH. What was his reaction to that recommendation?

Mr. PETERSEN. He understood my concerns and he appreciated my candor and my concern for the Presidency and my position was that I can't guarantee you that we have a criminal case at this point, but I can guarantee you that these people are going to be a source of vast embarrassment to the Presidency and for that reason I think that the best thing that you could do would be to get rid of them immediately.

The President's response was interesting. He said, yes, but he owed them an obligation of fairness, too, and I didn't disagree with that. If somebody came in and said about my two assistants you have got to fire them immediately, I would take time to look.

Mr. DASH. What office—

Mr. PETERSEN. He took longer than I would have liked. I guess I was a little impatient but he did it and that was the important thing.

Mr. DASH [continuing]. What office was this meeting held in?

Mr. PETERSEN. In the old Executive Office Building.

Mr. DASH. Were you aware at the time, Mr. Petersen, that these conversations were being taped?

Mr. PETERSEN. No, sir; but it didn't surprise me. I would have anticipated—I think if you had asked me I would have thought that was a fair possibility and frankly let me say for the record I have no objection. I think the Chief of State ought to do it.

Mr. DASH. Did you make any recommendation with regard to Mr. Dean?

Mr. PETERSEN. Yes, I did. The President said, "You know, Haldeman and Ehrlichman deny this and I have got to find this out. Dean in

effect has admitted it. Should I request his resignation?" And I said, "My goodness, no. Now, here is the first man who has come in to cooperate with us and certainly we don't want to give the impression that he is being subjected to reprisal because of his cooperation. So please don't ask for his resignation at this point." And the President agreed to hold off until I—until he heard from me further on that issue. That carried on until about the 26th or 27th of October and in a statement on the telephone I reached the conclusion after discussions with Silbert that we had reached an impasse in our negotiations with Mr. Dean.

Mr. DASH. You don't mean October. You mean April.

Mr. PETERSEN. Right, Mr. Dash. April, excuse me.

We had reached an impasse in our discussions with Mr. Dean and that I could no longer justify the President's not asking for his resignation, and—

Mr. DASH. Prior to that time, do you recall having a discussion with the President concerning immunity that might be afforded witnesses?

Mr. PETERSEN. Yes, sir.

Mr. DASH. Could you tell us briefly about that?

Mr. PETERSEN. Well, I think that started—that started the preceding Wednesday. Mr. Ehrlichman had called Mr. Kleindienst and Kleindienst called me up there and said he just had a call from John Ehrlichman and Ehrlichman wants to say he didn't think any White House aides ought to be immunized and it didn't make much of an impression on me and I just made a witticism and said, "Well, tell Ehrlichman he can't count on it," and I didn't think anything more about it. Of course, when I learned at the end of the week—

Mr. DASH. And at this time Mr. Dean was in these conversations, in cooperation with the prosecutor.

Mr. PETERSEN. That is right. At the end of the week when I learned Dean was cooperating it made more sense. The President took it up. The President—we went on with this for about 2 or 3 days. We had a difference in viewpoints, of course. The President's concern—I hope I accurately reflect him but it seemed to me the President's concern was that from a public relations point of view, certainly he wanted to leave the impression that he as President was not causing persons who were in the upper echelons of his administration to be immunized and freed from liability. He wanted to make certain that in that respect no one got the impression that they were getting favored treatment.

Well, you know, I understood that to be a consideration but I also understood that if it were in the interests of the prosecution, that it might be necessary to immunize some high echelon person.

Mr. DASH. Did you explain that to the President?

Mr. PETERSEN. I did indeed.

Mr. DASH. And did you get an understanding of who would make the ultimate decision on immunity?

Mr. PETERSEN. Yes, I did.

Mr. DASH. And who would be given that ultimate decision?

Mr. PETERSEN. Me.

Mr. DASH. Now, did that point in time—

Mr. PETERSEN. At that point in time.

to come back to him if we disagreed, and so I think the criticism is wholly unwarranted.

Mr. DASH. Did you receive a call from the President on April 30, 1973?

Mr. PETERSEN. Yes, sir.

Mr. DASH. Could you tell us what that call was about?

Mr. PETERSEN. April 30, 1973?

Mr. DASH. Yes.

Mr. PETERSEN. He called up and said, you can tell your wife that the President has done what needed to be done, and I want to thank you for what you have done.

To the extent that requires some explanation in the course of our conversations, I was impressing upon the President the situation so far as I was concerned was degenerating, and it was vitally affecting the people's confidence in the White House, and I related to him a conversation that I had with my wife at the breakfast table in which she had said, "Do you think the President is involved?" And I related that to the President and I said, "If I reach the point where I think you are involved, I have got to resign. If I come up with evidence of you, I am just going to waltz it over to the House of Representatives," but I said, "What is important is that my wife, who is no left wing kook, is raising these questions of me, and that indicates to me that you have got a most serious problem."

And that affected the President quite strongly, and when he called me on April 30, he made that point.

Mr. DASH. This was the day that he announced the resignation of Mr. Haldeman, and Mr. Ehrlichman, and the leaving of the office at his request of Mr. Dean.

Mr. PETERSEN. That is right.

Mr. DASH. I have no further questions, Mr. Chairman.

Senator ERVIN. Mr. Thompson.

Mr. THOMPSON. Thank you, Mr. Chairman.

Mr. Petersen, let me ask you a few more detailed questions about your meeting with the President on April 15. You stated that you told him on that occasion that although you possibly didn't have a criminal case against Haldeman and Ehrlichman, that it could be very embarrassing to the Presidency.

What information did you have on Haldeman and Ehrlichman at that time? What had Dean told the prosecutors about Haldeman's and Ehrlichman's involvement in the Watergate matter?

Mr. PETERSEN. Well, we had not too much on Mr. Ehrlichman at that point. We had Dean's statement that Ehrlichman had told Dean to "deep six" certain information recovered by Dean from Mr. Hunt's office. If you don't mind, I will refer to my notes on this.

Mr. THOMPSON. Yes, sir.

Mr. PETERSEN. Too, that Mr. Dean had said that Ehrlichman through Dean had informed Liddy that Hunt should leave the country. Hunt corroborated this in part in that he testified that Liddy had told him that Liddy's principals wanted Hunt out of the country.

Hunt did not testify with respect to or identify Ehrlichman.

That is the basic information, the only information we had on Ehrlichman at that point.

Mr. THOMPSON. Had he said anything at that point about furnishing money to the defendants or the defendants' families or about Ehrlichman's approval of money being raised and distributed to the families?

Mr. PETERSEN. Yes. I think that that was mentioned—well, that Ehrlichman had said, well, tell them we will do what we can, you know. It was not specific with respect to any amount of money.

Mr. THOMPSON. Was Kalmbach mentioned in this regard?

Mr. PETERSEN. Kalmbach was mentioned but not with any definitive nature of the allegations against him, only that——

Mr. THOMPSON. The major emphasis was on the "deep six" comment?

Mr. PETERSEN. So far as Ehrlichman was concerned. So far as Haldeman was concerned, Dean had allegedly told Haldeman that there was a series of meetings, three in number, with John Mitchell which took place in Mitchell's office.

Mr. THOMPSON. Beg your pardon? I am sorry. What did you say?

Mr. PETERSEN. Dean had told Haldeman, according to Dean, that there was a series of meetings, three in number, in Mitchell's office in which Liddy, Magruder, Dean, and Mitchell were present, and at each of these meetings the Liddy operation was discussed, the purpose being to obtain information about Democrat Presidential contenders.

On two occasions, Mitchell refused to authorize the budget proposals, the first being for \$1 million and the second \$500,000. On the third occasion, Mitchell approved a reduced budget of \$300,000. The operation was described as Operation Gemstone. Magruder had said that the budget information was given to Strachan. Magruder also said that the information given to Strachan was for delivery to Haldeman. But Magruder was not in a position to say that Strachan actually received it—actually delivered the information or that Haldeman actually received it.

Dean stated that after the second meeting with Mitchell, Liddy and Magruder returned to the White House, relayed the information to Haldeman, and the nature of the proposal was discussed and stated that we ought not to have any part of them. Dean stated Haldeman agreed. But I pointed out to the President that apparently no one took the laboring oar to try and stop them, and I thought that that was certainly the responsibility of someone like Haldeman.

Magruder further stated that he caused to be delivered to Strachan for transmittal to Haldeman a summary of the intercepted conversations. Again I told the President, Magruder was not in a position to say that Strachan actually delivered that information. Strachan at that point was being interrogated, and there was some indication that he might be willing to cooperate, and I told the President those negotiations were underway and we thought that they would ultimately bear fruit and that that would in effect give us two or possibly three witnesses against Haldeman and that was a very dire situation, and while I couldn't say we had a criminal case at the time, certainly one was in the offing.

Mr. THOMPSON. When did you make those notes?

Mr. PETERSEN. Sir?

Mr. THOMPSON. When——

Mr. PETERSEN. The President asked me to reduce to writing what I said to him about those two, Haldeman and Ehrlichman, and I did that and gave it to him on April 16.

Mr. THOMPSON. And that is the same thing that you have before you right now?

Mr. PETERSEN. Yes, sir.

Mr. THOMPSON. Would there be an objection to making that a part of our record?

Mr. PETERSEN. No, sir.

Mr. THOMPSON. If we could at a subsequent time make a copy of that, unless you have an extra copy.

Mr. PETERSEN. I do not know whether I have an extra copy, Mr. Thompson, but I will be happy to give this to you and you give me a copy back. That will satisfy me.

Mr. THOMPSON. Would that be agreeable with the chairman?

Senator ERVIN. All right. Let the record show the notes identified by Mr. Petersen will be appropriately marked as exhibits and admitted into the record as such.

[The document referred to was marked exhibit No. 147.*]

Mr. THOMPSON. All right, Mr. Petersen. So essentially, to go into a little bit more detail—you have touched on this—one White House member, Mr. Dean, was telling some very significant and dire things about two other White House members, Mr. Haldeman and Mr. Ehrlichman. What was the President's reaction to this situation? Did he express a particular belief or disbelief in any version or any individual or how did he evaluate the posture of those?

Mr. PETERSEN. I think it is fair to say he was kind of upset about Dean. He said that when he first learned about this that there were more problems in store for him than he had anticipated on March 21 and he had asked John Dean to reduce these to writing and sent him up to Camp David to do so and apparently Dean was unable to reduce them to writing and the President commented, I suppose because of his involvement, and he was concerned that perhaps Dean was trying to lighten the load on himself by impeaching Haldeman and Ehrlichman and the question in the forefront of his mind was the validity of the Dean information. That was the importance of Magruder's information and the possibility of Strachan coming through as a corroborating witness.

Mr. THOMPSON. Did he say precisely what Dean had told him on March 21?

Mr. PETERSEN. No, sir; he did not.

Indeed, he said that he told Dean to go up and write a report and he never got such a report and Dean was unable to write it.

Mr. THOMPSON. How did you phrase it a moment ago? What did he say about the 21st?

Mr. PETERSEN. He had first learned that—the words are mine, not the President's. He first learned that there were more significant problems than he had anticipated on March 21.

Mr. THOMPSON. Did he indicate that on March 21 he had learned what you were telling him?

Mr. PETERSEN. No, sir; he did not. What he did suggest was that after Dean had failed to provide him this report, he had told Ehrlich-

*See p. 3875.

man to conduct an investigation. I never asked him for the product of Ehrlichman's investigation, nor do I know what it consisted of.

Mr. THOMPSON. Did you ever discuss with the President the possibility of his talking to Liddy or Liddy's lawyer?

Mr. PETERSEN. No, sir. During the course—I did suggest to the President that he ought to hear John Dean himself, that he ought to hear from John Dean what John Dean was telling the prosecutors to aid the President in making up his mind with respect to his future course of conduct toward Haldeman and Ehrlichman.

At my home later that Sunday evening, on April 15, Charlie Shaffer, Mr. Dean's lawyer, called and present were Mr. Silbert and Mr. Glanzer, stated that he—Dean had had a call from Mr. Ehrlichman who wanted to meet with Dean and requested our advice. We told him not to meet with Mr. Ehrlichman but that it would be perfectly agreeable to meet with the President. Thereafter he called back and said that Mr. Dean had sent a message back to the White House suggesting that he would be happy to meet with the President, and what have you. The President called me that evening and said he had received that message and should he meet with him and I said by all means. He called again to say that the meeting had been set up. He called then again around 9:30 or 9:45—I did not know that Mr. Dean was still there—and said that he had received information that Liddy was waiting for some sort of signal from the White House, and the President, as to whether or not he should be cooperative or testify and the President charged me with conveying that information to Mr. Liddy. I got in touch with Mr. Tom Kennelly, who is local counsel for Mr. Liddy, passed that message on to him. I was thereafter called around midnight by Mr. Maroulis, who is principal counsel for Mr. Liddy and imparted the same information, namely, that if Mr. Liddy was not cooperating out of any sense of misguided loyalty or loyalty to the administration, or what have you, that he was misguided and the President wanted him to cooperate. Mr. Maroulis thanked me for the information and that was it. We have not heard from Mr. Liddy.

Mr. THOMPSON. Did the President ever tell you anything else that was discussed in his conversation with Dean on April 15?

Mr. PETERSEN. No; I did not want to hear it.

Mr. THOMPSON. Why?

Mr. PETERSEN. The reason I did not want to hear it was because we were in negotiation with Mr. Dean and that negotiation was predicated upon certain promises, that he would make certain disclosures to us in order for us to determine whether or not an immunity should be accorded him upon our representation that we would not use that information directly or indirectly against him if no deal was struck. So I did not want to receive information that came from Mr. Dean from any other source in order to keep that situation, very difficult situation, as clean as it could possibly be. The President offered to let me hear the tape and I did not want to hear it.

Mr. THOMPSON. Up until April 30, when Dean was discharged, had Dean told the prosecutors anything that would in any way implicate the President in obstruction of justice or anything along those lines? Did he mention a September 15 conversation, for example, or that he had previously told the President of these matters and the President had failed to act?

been duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MRS. VOLNER:

Q Please state your name and occupation.

A My name is Henry Petersen. I am Assistant Attorney General of the Criminal Division, of the United States Department of Justice.

Q How long have you been the Assistant Attorney General?

A Approximately two years.

Q And you have been with the Department of Justice for how long?

A Approximately 26 years.

Q Have you last April had occasion to talk to the President concerning statements being made by John Dean?

A Yes, I did.

Q And will you relate very briefly what your conversation with the President was on April 15, of 1973?

A On April 15, 1973, it was the consensus that the President should be advised that certain matters had developed in the investigation of the case, which reflected on his immediate associates, and Mr. Kleindienst and I undertook to advise him of that information on Sunday afternoon, April 15th.

And, since the substance of the recommendations that we could

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House Judiciary Committee staff

have made were at the very least a severe reflection on the part of Mr. Nixon's associates, and that information stemmed in part from information made available to the prosecutors, specifically Mr. Glanzer and Mr. Silbert, by Mr. Dean, I suggested to the President that it would be most appropriate if he talked with John Dean to learn directly from John Dean what John Dean was telling the prosecutors so that rather than having it second or third-hand, the President would get it directly, and he would be better informed so as to determine what, if any, action he should take concerning persons who occupied the position of responsibility at the White House.

Q Do you recall where that meeting was between Mr. Kleindienst, yourself, and the President?

A Mr. Kleindienst and the President and I met at the Executive Office Building, approximately 3:30 in the afternoon on Sunday, April 15th.

Q Was there any general discussion of the immunity?

A The question was raised as to whether or not John Dean was giving information with respect to other persons at the White House in order to relieve himself of liability, and the President was informed that the basis on which the information was given was to enable the prosecution to make a determination as to whether or not Mr. Dean should be accorded immunity.

Q Did you, at that time, explain to the President the

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House Judiciary Committee staff

conditions or circumstances under which Mr. Dean's talking to the Prosecutors?

A Yes, I told the President that the information that was being made available to us from his lawyer and to some degree from Mr. Dean directly was received by the prosecution with the representation that it would not be used directly or indirectly in the investigation; and it would be used only to enable us to make a determination as to whether or not a grant of immunity to Mr. Dean would be in the public interest.

Now, there was one qualification of that, and at approximately midnight on the preceding day, the 14th, since it was the recommendation of the prosecutors' staff and the unanimous conclusion of all who at that point were discussing the matter, that the President should be informed, we felt it necessary to convey that information to Mr. Dean and his counsel, Mr. Charles N. Shaffer, who represented Mr. Dean, was advised at approximately that time of night and agreed that it was, would not be a breach of the agreement, and that it was perfectly acceptable to them that the President be informed.

Q And did the President, after your afternoon meeting on the 15th, inform you that he was going to meet with Mr. Dean?

A I had suggested that the President meet with Mr. Dean, and after we left the President's office, I went to my home where I met with Mr. Shaffer -- excuse me -- Mr. Glanzer and Mr. Silbert

I was up at 8:30 a.m. As a result of that meeting we agreed that I had to see the President. I put a call in to the White House at 8:30 a.m., the President returned my call at 9:30 a.m. I told him it was absolutely imperative that I see him right away. He said that I have the Sunday service at the White House at 11 a.m. I told him that rather than go to church with my wife and children I would go up there and attend that service at 11 o'clock and be available to see him after that was over.

I think the reception lasted until approximately 1 o'clock and around 1 o'clock in the afternoon I met with the President in his office in the Executive Office Building.

Mr. DORSEN. Now, am I correct that at least part of the meeting was devoted to briefing the President and that one of the decisions made on the afternoon of April 15 by you would be that you would in effect withdraw from the supervision of the prosecution of the Watergate case?

Mr. KLEINDIENST. The whole meeting was devoted solely to talking about the information that I had obtained that night and the consequences that inevitably must flow from it.

Mr. DORSEN. Now, I would like to show to you a document which you provided the committee dated April 15, 1973. The first page is typewritten. The page under it is handwritten. I ask if you can identify that for the committee?

Mr. KLEINDIENST. Yes. I know what you have in your hand, Mr. Dorsen. I furnished it to the committee. The document underneath, in my handwriting, is a document that I wrote out in my office in the presence of Mr. Petersen after he and I had met with the President of the United States in which I set forth the reasons why I had to recuse myself from any further contact or involvement in the Watergate case and in which I designated him to substitute for me as the Attorney General of the United States in anything further concerning the Watergate case.

I further requested that he communicate this decision of mine to—in the contents of this memorandum to U.S. Attorney Titus, Silbert, and to Acting Director Gray of the FBI. I signed it and I had Mr. Petersen sign it indicating the time that he received it. It was important for me to establish the time when I no longer had any connection with the Watergate thing.

I then Xeroxed a copy of my handwritten statement and gave it to him and I kept the original. And this is it—the top document that you handed me is a typed document of my handwritten document.

Mr. DORSEN. Mr. Chairman, I request that the document identified and summarized by Mr. Kleindienst be admitted into evidence.

Senator ERVIN. It will be received and appropriately marked as an exhibit and admitted in evidence as such.

[The document referred to was marked exhibit No. 145.*]

Mr. DORSEN. What does the word "recuse" mean in this context?

Mr. KLEINDIENST. It is a technical word used by lawyers and particularly those in Government service which signifies that for one reason or another, usually ethical reasons, that you withdrew from any further participation in a particular matter.

*See p. 3360.

Senator GURNEY. The problem, I guess, was that there was a coverup and people weren't advancing information.

Mr. KLEINDIENST. I have arrived at that conclusion, Senator Gurney.

Senator GURNEY. I think that is what we found here in these many weeks.

Mr. KLEINDIENST. Yes, sir.

Senator GURNEY. One question on that meeting with the President. I am not sure that it was covered.

Mr. KLEINDIENST. What meeting is that?

Senator GURNEY. This is the April 15, Sunday meeting.

Mr. KLEINDIENST. Yes, sir.

Senator GURNEY. Did the President ever—did he tell you in the meeting what he had been advised previously by John Dean?

Mr. KLEINDIENST. No, sir; not to my recollection.

Senator GURNEY. That was not discussed?

Mr. KLEINDIENST. No. I was more interested in telling him what I knew and then dealing with the consequences of that knowledge on my part, my own deep feelings and what to do next. The decision to—my recommendation to—have Henry Petersen act in my place and stead—getting Henry—Henry was working on his boat and came into his first meeting with the President with tennis shoes and a dirty T-shirt, very embarrassed—going back to my Department—executing a document by which I recused myself, and then going home.

Senator GURNEY. Your logs show a number of phone calls and meetings during this period of time from the June 17 break-in until, well, through almost your resignation, phone calls with Colson, for example. Did those cover Watergate at all?

Mr. KLEINDIENST. I never recall ever talking about Watergate with Mr. Colson.

Senator GURNEY. There are also a number of telephone conversations with Mr. LaRue. Did you ever discuss Watergate with him?

Mr. KLEINDIENST. Never.

Senator GURNEY. And also one or two with Haldeman. Did you discuss Watergate with him?

Mr. KLEINDIENST. Never.

Senator GURNEY. There were a few phone calls with Mr. Krogh. What were they the subject of?

Mr. KLEINDIENST. I think that was brought to my attention by Mr. Haire of your committee yesterday, that I had some conversations with Mr. Krogh on Monday the day before the general election. I think you will also see on that day there must have been 60 or 70 calls, and I had meetings with Mr. Colburn who was Director of the U.S. Marshal Service and Chief Wilson of the Metropolitan District Police. Those conversations had to be with respect to problems involving demonstrators in anticipation of the election returns the next day.

Senator GURNEY. They had—

Mr. KLEINDIENST. Mr. Krogh, one of his assignments was to coordinate on behalf of the White House, District of Columbia, and Department of Justice in this situation; nothing with respect to this situation, Dr. Ellsberg, or anything else. I never heard of the so-called Plumbers until it became publicly revealed.

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EXHIBIT NO. 147

April 16, 1973

John Ehrlichman

We have no other information as of this time except the following items:

1. That Ehrlichman in the period immediately following the breakin told John Dean to "deep six" certain information recovered by Dean from Hunt's office.

2. That Ehrlichman through Dean informed Liddy that Hunt should leave the country. Hunt corroborates this in that he testified before the grand jury that Liddy told him that his, Liddy's, principals, wanted Hunt out of the country. Hunt states that as he was preparing to leave, he was called again by Liddy and informed by Liddy that Liddy's principals had countermanded the order. Hunt further states that notwithstanding he then departed for California.

With respect to Item One you will recall that I told you that Dean had on one occasion indicated to me that he had given certain non-Watergate information recovered from Hunt's office to Pat Gray personally. Sometime during the middle of March, I had occasion to consider this matter and I asked Pat Gray. Gray told me on that occasion that he had received no information from John Dean other than that which was given to the agents.

Today I again raised the matter with Pat Gray and told him specifically what Dean had stated to the prosecutors who are debriefing him. Gray emphatically denied that he had ever received any information from Hunt's office from John Dean. Gray states that all the information and records recovered from Hunt's office were received by agents of the FBI in the normal course of business.

Bob Haldeman

With respect to Bob Haldeman's alleged involvement in the Watergate Dean states that in December of 71 or early parts of January 1972 there were a series of meetings, three in number, with John Mitchell which took place in Mitchell's office.



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- 2 -

Present were Liddy, Magruder, Dean and Mitchell. At each of these meetings the Liddy operation was discussed. The purpose being to obtain information about Democratic presidential contenders. On the first two occasions Mitchell refused to authorize the budget proposals. The first being \$1,000,000 and the second \$500,000. On the third occasion Mitchell approved the reduced budget of \$300,000. The operation was described as "gemstone." Magruder says the budget information was given to Strachan. Magruder also says that information given to Strachan was for delivery to Haldeman. Magruder is not in a position to say that Strachan actually delivered the information.

Dean states that after the second meeting with Mitchell, Liddy and Magruder, he returned to the White House and relayed to Bob Haldeman the nature of the proposals being discussed and stated that we ought not to have any part of them. Dean states Haldeman agreed but apparently no one issued any instructions that this surveillance program was to be discontinued.

Magruder further states that he caused to be delivered to Strachan for transmittal to Haldeman a summary of the intercepted conversation. Again Magruder is not in a position to say that Strachan actually delivered the information to Haldeman. Magruder does say that the nature of the information was such that it was clear that it emanated from intercepted telephone conversations.

Strachan

Strachan appeared at the U. S. Attorney's office was informed of his rights and ~~was~~ was questioned by the prosecutors concerning the Haldeman allegation. Despite considerable fencing Strachan refused to discuss the matter and he was excused by the prosecutors with instructions to obtain legal counsel and return this afternoon.

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APRIL

From April 1 to 7, I was in San Clemente with the President. Despite Mr. Dean's statement that during that period he, under advice of counsel, endeavored to avoid any contact with Haldeman, Ehrlichman, or Mitchell—we talked on the phone daily. The main problem he seemed to have during that period was the continuing one with Mitchell regarding the discrepancy on the number of meetings.

It is my understanding that Dean hired a lawyer, Mr. Shaffer, about March 30. He had indicated earlier that he might do this so he—and, through him, the President—could consult an attorney familiar with criminal law on the implications of some of the concerns Dean was developing. He told me that his lawyer had told him he should not write anything down about the Watergate case and, if he had written anything down, he should not show it to anyone and he should not talk to Mitchell or Magruder. He did not mention to me that his lawyer had told him not to talk to me or Ehrlichman and he did, in fact, continue to talk—to me, at least.

He told me his lawyers had met privately with the U.S. attorneys on April 4. He told me again on April 7 that his lawyers had met with the U.S. attorneys on April 6. This despite the fact that in his testimony he has said that his lawyers were meeting with the prosecutors but this was unknown to Haldeman or Ehrlichman.

He further said that the U.S. attorneys had told his lawyers—and he believed that this was the straight information because this was an eyeball-to-eyeball meeting—that the U.S. attorneys were only interested in the pre-June 17 facts. They had no concern with post-June 17. They only wanted Dean as a witness. They did not consider him a target of their investigation. They did not consider Haldeman as a target and probably would not even call him as a witness. Liddy had told them everything but his lawyers didn't know it; and Liddy completely cleared the White House; that is, in telling them everything, Liddy had confirmed that nobody in the White House had had any involvement.

We returned to Washington on April 8. During that week Ehrlichman continued his investigation—and on Saturday the 14th reported his conclusions to the President in the form of a verbal statement of his theory of the case based on all of the information he had acquired—still, of necessity, mostly by hearsay.

There were several meetings with Dean that week and I recall a continuing concern on Dean's part regarding the discrepancy with Mitchell and the planning meetings. I don't recall any major changes in Dean's view of the facts from what he had reported on the phone earlier.

By the end of the week both Dean and Ehrlichman had come to the view that Mitchell had approved the Watergate plan and there was some discussion that, if that were the fact, and if Mitchell decided to step forward and say so, it would be a major step in clearing up the Watergate mystery. This was not discussed in any context of asking Mitchell to do this as a scapegoat or to divert attention from others—but as a major step in bringing out the truth.

Over the weekend, both Magruder and Dean met with the U.S. attorneys in private sessions and gave their full accounts of the Water-

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gate. These meetings were reported to the President on Sunday the 15th by Attorney General Kleindienst and Assistant Attorney General Petersen. Their report was not very surprising to the President, since it confirmed, with minor variations, the theory that Ehrlichman had given him on Saturday.

Because the Dean and Magruder testimony seriously implicated John Mitchell, Kleindienst removed himself from responsibility on Watergate and the President put Petersen in full charge.

By the end of April, it had become apparent to me that, because of the increasing intensity of charges and rumors in which my name was raised and the need for me to appear before the grand jury and this committee, it was no longer possible for me to perform my White House duties effectively. After some discussions regarding leave of absence versus resignation, I concluded I should resign and the President agreed. I resigned on April 30.

I said then that I was confident that when the full truth was known it would be clear I had had no knowledge of or involvement in Watergate or any "coverup" and I had not failed to meet the very high standards of integrity which President Nixon had properly expected of everyone on his White House staff and which I have always held for myself.

I have that confidence in full measure today and I welcome the opportunity to help in the process of making the truth known.

Senator ERVIN. I think it is appropriate not to take up the examination of the witness until in the morning. I do want to make some observations concerning the matter which Fred Thompson mentioned.

Unfortunately we did have on several occasions while Mr. Ehrlichman was testifying some demonstrations from some members of the audience. I deplored those demonstrations and may have been at fault in not squelching them more vigorously.

I want to announce now that no such demonstrations will be permitted in the future and if any person who engages in one can be identified, the officers should eject him from the committee hearing room because I certainly agree with Fred Thompson who has rendered very valuable services to this committee that it would be highly desirable if we could do exactly the same here as is done in a courtroom and conduct an investigation in an atmosphere of judicial calm.

I am going to say, however, that the questions put to Mr. Ehrlichman were rather robust and the answers given by Mr. Ehrlichman in response to those questions sometimes were rather robust, too. I quote the King James version of the Bible and I think that the proverb says that "Merry hearts doeth good like a medicine," and sometimes I think a man personally has a constitutional right to laugh even in a solemn hearing room. But I am going to suggest that possibly Mr. Ehrlichman invited some of the demonstrations by certain testimony.

For example, when I asked him if he didn't bug the conversations of Kalmbach and Kleindienst, I believe, he said, no, he didn't bug them. He didn't bug the conversations, he merely recorded them. And I think that that might have invited a little demonstration of

offered ~~down~~ are good
 DV . office

But my principal - says to leave
 (Through Dean)

4-16
 Sunday
 11:00 AM
 O'Brien
 O'Brien

H -
 Mr. M. & Gruber - says
 document to Straker -

~~take down~~
 Says off to Straker for
 Haldeman

Dean may corroborate
 this O.M.

~~Haldeman~~

I'm not going to
 lie for Haldeman

Gray's document -

They have not said you well
 that speaks well of you as a man -

M & Gruber - Haldeman
 June 19) disclosed

DV

1 A No, not early in the investigation, Mr. Ben-Veniste.
2 Late in the investigation, post-conviction. Pat Gray informed
3 me that they had a lead which came from a CIA Agent, a contract
4 Agent or informant, I'm not sure, but in any event, a person
5 in a very sensitive spot, that information that money was
6 being funneled to the defendants through a kick-back arrange-
7 ment and that money originated with the Committee to Re-elect
8 the President -- in other words, it would be given to them and
9 they would take it and convert it and contribute it to the
10 Cuban committee for the defense of the Florida five, or some-
11 thing like that.

12 He said the CIA was very concerned about the sensi-
13 tivity of its source and "What should we do?". I wrote on
14 the memorandum which he took back with him, "Investigate
15 this and check it out."

16 I assume he did. I mentioned it to Mr. Ruckelshaus
17 after Mr. Gray's resignation.

18 Q Are you aware of what the results of that investiga-
19 tion were?

20 A No, I was not, but about the time the investigation
21 transferred, I would not necessarily be aware.

22 Q When did you learn that the President had ordered
23 Mr. Ehrlichman to conduct an investigation of the cover-up?

24 A April 15th or April 16th. The President told me.

25 Q Did Mr. Nixon tell you any substantive matter that

1 had resulted from Mr. Ehrlichman's investigation?

2 A No.

3 Q Specifically, did the President inform you that Mr.
4 Ehrlichman had investigated the payments, or the allegations
5 concerning payment of money, so-called hush money, to the
6 defendants?

7 A Only in the context of John Dean's statement to him
8 which he alluded to in his press conference last night. The
9 President told me that repeatedly. It somehow seemed to
10 bother him that Dean had come to him and said this, and that
11 the President construed this as blackmail and he told Dean,
12 "There's no problem raising a million dollars, but that's
13 blackmail and you can't do that."

14 It was in that context. I just assumed that he had
15 gotten that from Ehrlichman as well as from Dean.

16 Q Did Mr. Nixon indicate to you when he had first
17 heard about this?

18 A First heard about what?

19 Q The question of payments.

20 A From John Dean, sometime at or about March 21st, or
21 thereafter.

22 Q Did Mr. Nixon indicate whether this was a proposal,
23 or whether he had information that payments had been made?

24 A I don't think it's fair to say that it was a pro-
25 posal. It was an item of information that John Dean didn't

DV

1 know how to handle, and he was getting rattled at that point,
2 as the President related it, and insisted on seeing the Presi-
3 dent.

4 The President listened to this and gave him the
5 response I indicated.

6 Q Well, let me try to explain what I'm interested in.
7 As we know now, this is not a question concerning an initial
8 payment to the defendants or their families.

9 A That's right.

10 Q My question is really whether the President had been
11 advised at that time that payments had already been made, but
12 that now the demands were escalated.

13 A That was implicit in the conversation because one,
14 for example, I commented that they were idiots, and why they
15 did it, I'll never be able to figure out. They could have
16 advertised in the New York Times, "We're collecting money to
17 defend the Watergate Seven", and he said yes. I said that
18 that would have been perfectly legal, and he agreed.

19 He was aware from some source -- of course we had
20 indicated to him, I guess, in the course of our conversation
21 on the 15th or thereabouts, that we thought that's what had
22 occurred. So it is unclear where he got it from.

23 Q Is it clear whether it was you who initiated this
24 subject, or the President?

25 A The President told me at the point of telling me

1 that business about Dean coming to him. But in relation to
2 his disappointment in Dean, and Dean's having kept him posted
3 on this, and this came at or about the March 21st thing.

4 I gathered from the President's conversation -- I
5 hate to talk about the President when you're talking about
6 your own impressions of what he said or did. But I gathered
7 this was the precipitating thing that brought John Dean into
8 him.

9 His orders to John Dean were to go up to Camp David
10 and write this whole thing out. He said, "Tell me what it's
11 all about", and this was his discomfort about being informed
12 of this, and not knowing it beforehand.

13 I gathered it was this fact, this demand, this
14 million dollars, or whatever it was that was requested, that
15 triggered Dean's concern.

16 Q Did there come a time when you discussed with the
17 President the subject of immunity for Mr. Dean?

18 A Yes. Those discussions began on April 15th. The
19 President really didn't have any clear understanding of immu-
20 nity, so we had to tell him basically what the law was and how
21 the statute was written and in whom the authority was vested,
22 and his concern was, one -- I suppose it was a concern for
23 image. He didn't want it to appear that high echelon officials
24 in the White House were being immunized. He was afraid that
25 would look like a cover-up, particularly if it was done by

DV

1 other relatively high Administration officials, and I indicated
2 that I shared that concern. I certainly had no desire to
3 immunize principals.

4 That was a factor that we would have to take into
5 consideration, but we might very well have to immunize John
6 Dean, and if so, then I reserved the right to do it, and it
7 was my responsibility and there was no way he could relieve
8 me of it.

9 We discussed that back and forth for about two or
10 three days. We finally reached the agreement that those were
11 factors I should take into consideration, but the judgment was
12 mine.

13 Q Excuse me, Mr. Petersen. What was his initial re-
14 action to the question of immunity?

15 A Well, he was concerned that Dean was falsely accusing
16 others to exculpate himself. That was one concern. The other
17 concern was the public imagery involved.

18 Q The others were Mr. Haldeman and Mr. Ehrlichman?

19 A That's right.

20 Q And Mr. Nixon voiced his concern that Mr. Dean might
21 be doing that, and in that context indicated that he did not
22 want Dean immunized?

23 A That's right. Well, that he did not want Dean immun-
24 ized -- it never got that strong because I put it to him rather
25 boldly. "There's not any way", said I, "that you can take this

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For a term expiring October 26, 1976

MRS. JOUETT SHOUSE, of Washington, D.C., business and civic leader, Washington, D.C.

JOHN T. CONNOR, of Morristown, N.J., president and chief executive officer, Allied Chemical Corp., New York, N.Y.; and former Secretary of Commerce.

For a term expiring October 26, 1974

MITCHELL I. KAFARSKI, of Bloomfield Hills, Mich., chairman of the board, president, and treasurer, Aactron, Inc., Madison Heights, Mich.

WILLIE L. LEFTWICH, of Washington, D.C., attorney, Hudson and Leftwich, Washington, D.C.

The President also announced the designation of Mr. Quesada to serve as Chairman and Mr. Bruckmann to serve as Vice Chairman of the Board of Directors of the Pennsylvania Avenue Development Corporation.

In addition to the eight members appointed by the President the Board of Directors also consists of the following: Secretary of the Interior, Secretary of the Treasury, Secretary of Housing and Urban Development, Secretary of Transportation, Administrator of General Services, Commissioner of the District of Columbia, and the Chairman of the District of Columbia Council. The eight members appointed by the President will serve terms of 6 years once the initial staggered terms have expired.

The Pennsylvania Avenue Development Corporation was established by the Pennsylvania Avenue Development Act of 1972 (Public Law 92-578) to provide for the preparation and carrying out of a development plan for the area between the White House and the Capitol.

The Watergate Investigation

The President's Remarks Announcing Developments and Procedures To Be Followed in Connection with the Investigation. April 17, 1973

Ladies and gentlemen:

I have two announcements to make. Because of their technical nature, I shall read both of the announcements to the members of the press corps.

The first announcement relates to the appearance of White House people before the Senate Select Committee, better known as the Ervin Committee.

For several weeks, Senator Ervin and Senator Baker and their counsel have been in contact with White House representatives John Ehrlichman and Leonard Garment. They have been talking about ground rules which would preserve the separation of powers without suppressing the facts.

I believe now an agreement has been reached which is satisfactory to both sides. The committee ground rules

as adopted, totally preserve the doctrine of separation of powers. They provide that the appearance by a witness may, in the first instance, be in executive session, if appropriate.

Second, executive privilege is expressly reserved and may be asserted during the course of the questioning as to any question.

Now, much has been made of the issue as to whether the proceedings could be televised. To me, this has never been a central issue, especially if the separation of powers problem is otherwise solved, as I now think it is.

All members of the White House Staff will appear voluntarily when requested by the committee. They will testify under oath, and they will answer fully all proper questions.

I should point out that this arrangement is one that covers this hearing only in which wrongdoing has been charged. This kind of arrangement, of course, would not apply to other hearings. Each of them will be considered on its merits.

My second announcement concerns the Watergate case directly.

On March 21, as a result of serious charges which came to my attention, some of which were publicly reported, I began intensive new inquiries into this whole matter.

Last Sunday afternoon, the Attorney General, Assistant Attorney General Peterson, and I met at length in the EOB to review the facts which had come to me in my investigation and also to review the progress of the Department of Justice investigation.

I can report today that there have been major developments in the case concerning which it would be improper to be more specific now, except to say that real progress has been made in finding the truth.

If any person in the executive branch or in the Government is indicted by the grand jury, my policy will be to immediately suspend him. If he is convicted, he will, of course, be automatically discharged.

I have expressed to the appropriate authorities my view that no individual holding, in the past or at present, a position of major importance in the Administration should be given immunity from prosecution.

The judicial process is moving ahead as it should, and I shall aid it in all appropriate ways and have so informed the appropriate authorities.

As I have said before and I have said throughout this entire matter, all Government employees and especially White House Staff employees are expected fully to cooperate in this matter. I condemn any attempts to cover up in this case, no matter who is involved.

Thank you.

NOTE: The President spoke at 4:42 p.m. in the Briefing Room at the White House.

54. On April 15, 1973 the Watergate prosecutors interviewed John Dean. The prosecutors were informed that Gordon Liddy and E. Howard Hunt had participated in the break-in at the office of Daniel Ellsberg's psychiatrist. Dean stated that not all the material from Hunt's safe had been turned over to FBI agents after the Watergate break-in, but that certain materials from the safe were personally handed by Dean to Gray.

Page

54.1	Henry Petersen testimony, 9 SSC 3624-25.....	1014
54.2	Memorandum from Earl Silbert to Henry Petersen, April 16, 1973, Exhibit 27, <u>United States v.</u> <u>Russo</u>	1016
54.3	John Dean testimony, 3 SSC 1014.....	1017
54.4	Henry Petersen testimony, Watergate Grand Jury, February 5, 1974, 24-25 (received from Watergate Grand Jury).....	1018

3624

Mr. DASH. Around December 22, 1972, in connection with hearings on Mr. Bittman's motion, I understand, concerning certain items that were taken out of Mr. Hunt's safe, did Mr. Dean tell you that he had given certain items from Mr. Hunt's files to Mr. Gray?

Mr. PETERSEN. Yes, we had an all afternoon session which started around 2 or 2:30 p.m. in which we were interviewing Mr. Dean, Mr. Fielding—Fred Fielding of the White House staff, and Bruce Kehrli with respect to their search of Mr. Hunt's office immediately after it was ascertained that he had some part in the break-in.

Mr. Bittman in his motion on behalf of Mr. Hunt had alleged that there were two notebooks present among Mr. Hunt's possessions that were not accounted for in the FBI inventory and we were trying to determine where they were, if they existed, did the FBI agents have them, did Dean, Fielding, Kehrli come across them, did they retain them or what have you, and we spent all afternoon interrogating those three people anticipating they would be called as defense witnesses on the motion to suppress. At approximately 6:30 that evening my recollection is we were interrupted with news on the DeCarlo commutation.

Mr. Dean pulled me aside and said the statement in there were true, he had given everything to the FBI, but some documents he had given to Mr. Gray personally and I said, "Well, John, I just want to know one thing, are they related to Watergate," and he said, "They are absolutely unrelated." I said, "Well, if you are asked that question, you are going to have to tell the truth." I remember his answer very vividly. "Henry, I will tell the truth, I am not going to lie for that damn Ehrlichman. I may lie for the President but I am not going to lie for him." I said, "More than that, John, I am willing to take your word that they are not related to Watergate, but defense counsel is not going to be. Now if you are asked that question, those documents are going to have to be produced and you had better talk to Pat Gray about it" and he said he would. We broke up on that note and we were going to get back to it, supposedly.

I was off on a Christmas holiday. When we came back, negotiations were undertaken with respect to the plea of guilty by Hunt and at the suggestion of the prosecutors I approved the acceptance of a plea to three counts, the conspiracy count, burglary count, and eavesdropping count, which as I recall would have subjected them to about 25 years, and the court went us one better and insisted they plead to everything, which they did. With the acceptance of the plea the motion to suppress was not pressed and, of course, I guess I just no longer had in the forefront of my mind those documents or that question with respect to those notebooks.

Mr. DASH. Did there come a time when you followed up and asked Mr. Gray whether or not he did receive certain documents out of Mr. Hunt's safe from Mr. Dean?

Mr. PETERSEN. During the course of Mr. Gray's confirmation hearing he had occasion to call me about some point and in the course of that conversation I had asked him very casually if he had ever received documents from John Dean from Hunt's safe or office which were not given to the agents and he said, no. The next occasion came on or

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about April 15 when John Dean was being debriefed by the prosecutors and he related this to him and Silbert asked me about it and I said yes, and told him I had asked Pat Gray and Pat Gray said no, and I went back to Pat Gray either on April 16 or 17 and asked him again, told him what John Dean had said, and he said Henry, that is not so. About this time I was having some discussion with the President about it. I had imparted this information to him and he said well, I think Dean is telling the truth on this, you ought to ask Ehrlichman. When I left there I went over to Ehrlichman's office and he was not there and I frankly did not bother going back to him. We double-checked with Dean's counsel and they were sure of it and I went back to Mr. Gray the following week, around the 25th, 26th, and asked him again and this time he said yes, that he had received such documents, that they had implied that he ought to destroy them, that he had taken them home over the weekend and brought them back and tore them up and threw them in the burn basket. I said—

Mr. DASH. Did he tell you why he had destroyed them, whether he was acting under instructions?

Mr. PETERSEN. Well, I asked him if he read them and he said no, and he said, well, they just said they were politically sensitive.

Mr. DASH. Did you say he did not know the contents of the papers?

Mr. PETERSEN. I asked him if he read them and he said he did not.

Mr. DASH. Where did you say that Mr. Gray went before he burned them?

Mr. PETERSEN. He went to Connecticut. He was in travel status, as I recall his statement to me, and after he received the documents he was going up over the weekend or to make a speech and took the documents with him and told me he brought them back to the office and tore them up and pointed down to the basket beneath his desk and said I put them in there.

Mr. DASH. Without reading them?

Mr. PETERSEN. That is right.

Mr. DASH. On the 26th, which was quite some time beyond the period we have been talking about. Mr. Gray has testified that on that day, apparently that is the day he did admit to you that he destroyed the documents, you said to him that you were scared and that you and he, Mr. Gray, were expendable and Mr. Haldeman and Mr. Ehrlichman were not expendable.

Did you say anything like that to him and, if so, why?

Mr. PETERSEN. I am not sure you have the time right. Mr. Dash. As I recall it, that was the night before Mr. Gray resigned. It was the day on which this item that we are discussing was publicized and I received a call from the President, as did Mr. Kleindienst in the evening, and the President asked me whether or not I thought Mr. Gray ought to resign and I told him that I thought Mr. Gray's position was untenable. And he said we will discuss it with the Attorney General. He, too, had talked to the Attorney General and, of course, I did discuss it with the Attorney General and pursuant to the President's instructions we asked Pat Gray to meet us and we did meet in the back office of Mr. Kleindienst's office and we discussed the situation and in my conversations with the President I expressed some sympathy for Mr. Gray, who I think most highly of. I have no hesitancy. I liked the man very much. And I told the President. "Mr. President.

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

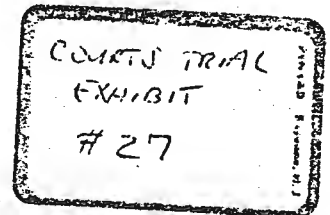
Memorandum

TO : Honorable Henry E. Petersen
Assistant Attorney General
Department of Justice

DATE: April 16, 1973

FROM : Earl J. Silbert
Principal Assistant
United States Attorney

SUBJECT: Daniel Ellsberg Prosecution



This is to inform you that on Sunday, April 15, 1973, I received information that at a date unspecified, Gordon Liddy and Howard Hunt burglarized the offices of a psychiatrist of Daniel Ellsberg to obtain the psychiatrist's files relating to Ellsberg. The source of the information did not know whether the files had any material information or whether any of the information or even the fact of the burglary had been communicated to anyone associated with the prosecution.

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that Mitchell had met briefly with Ehrlichman but not with the President. Ehrlichman said that Mitchell was not talking which certainly did not surprise me. And I certainly was not surprised that he would not talk with Ehrlichman either. I then pulled the list I had prepared out of my pocket and told them that I had discussed everyone's problem with my lawyers and my lawyers had had conversations with the prosecutors as well and I thought that the following persons would be indicted. I then read them the list. I told them that my attorney had learned from his discussions with the prosecutors that not only was Dean the target of the grand jury but Ehrlichman and Haldeman were also very much targets of the grand jury. Ehrlichman said that he had just talked with Kleindienst a few days earlier about the grand jury and that he had no such report from Kleindienst. I said that my lawyer appears to know more than the Attorney General does because I believe he is probably more informed in that he had had direct conversations with the prosecutors. I did not tell them at that point that I had had private meetings with the prosecutors or that I had told the prosecutors of the extent of involvement of Haldeman and Ehrlichman. When this meeting ended I was quite confident that I had gotten the message through to Ehrlichman and Haldeman that they had a serious problem themselves and I had put them on final notice that I was not playing the coverup game any longer.

It was late that night that I realized that indeed, my message had gotten through. About 1 o'clock on Saturday night or Sunday morning, I received a call from Mr. Shaffer. He said that the prosecutors had called him and that they were going to have to breach the agreement they had made regarding keeping all of my conversations with them private. The prosecutors had reported to Mr. Shaffer that the Attorney General had called Mr. Petersen and them and wanted a full report on everything that was going on before the grand jury and where the grand jury was headed. The meeting with the Attorney General was to occur about 2 a.m., at the Attorney General's home. The prosecutors also reported that the reason they felt they had to breach the agreement was because the Attorney General was being summoned to the President's office the next morning to discuss the entire matter. I told Mr. Shaffer that I had hoped to tell the President personally that I had gone to the prosecutors several weeks ago but that I had understood why this was occurring and obviously there was nothing we could do about it. I told Shaffer that we certainly have gotten the message through to Ehrlichman and Haldeman that they have problems and that the coverup may begin to unravel at last.

On Sunday, April 15, I went to Mr. Shaffer's office for an all-day meeting. I learned during the day that Ehrlichman had been trying to reach me during the better part of the day but I decided not to return his call. When I returned home about 7:30, the White House operator called me again and said that Ehrlichman had been trying to reach me. I then returned his call. He told me that he was going back to the office to do some work that night and would be in about 8 p.m. and would like to meet with me very much. I told him I would meet with him.

I was quite aware of the reason that Ehrlichman wanted to meet with me because I was sure that he had learned from the President what was going on as a result of the President's meeting with Klein-

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24

1 A Yes, I had several. A couple, three -- something
2 like that.

3 Q During the course of one or more of them, did the
4 President tell you that Gray claimed to have destroyed certain
5 material coming from Howard Hunt's safe?

6 A I don't recall that in a telephone conversation of
7 April 15th. It may have been. There came a time when in my
8 discussions with the President I eluded to that fact, you
9 know, that I had a problem with Gray and I told him that I
10 had inquired of Gray once, casually, to be sure and that Gray
11 had denied it.

12 And my recollection is, "Well, you better ask him
13 again," or, "You better ask Ehrlichman about that." So my
14 recollection is then I went to Gray and asked him and, again,
15 he denied it, and then I told the President, but that was in
16 the President's office and he said, "You ought to go see
17 Ehrlichman about that."

18 Well, I didn't want especially to talk to Ehrlich-
19 man. I thought I'd better ask him about this. And I went
20 over to his office and when I went to his office they said
21 he was with the President, whom I'd just left. So I never
22 did go back.

23 But I don't recall it in a telephone conversation.
24 It may have been.

25 Q Is it something that you first related to the

ELIZABETH ANN TIPTON
11225 Dewey Court
Kensington, Maryland 20795
(301) 946-4436

DV

25

1 President or did he first relate it to you, that there was
2 some possibility that Gray had destroyed something?

3 A I can't answer that. I would guess that I related
4 it to him, but --

5 Q You knew it much earlier than April? From Dean,
6 I take it? I'm sorry?

7 A No. No.

8 Q You knew in December --

9 A I knew in December that Dean -- that Ehrlichman
10 and Dean had given Gray something. I didn't know that that
11 was, in any way, related to the case. Indeed, I was assured
12 by John Dean that it wasn't.

13 And, secondly, I had told Dean on that occasion
14 that he better discuss it with Gray, and I might be willing
15 to take his word for it. It was going to come up his sup-
16 pression hearing and then it would have to be produced. But
17 I never did discuss with Pat Gray until during the course of
18 Pat Gray's confirmation hearings, and then I discussed with
19 Gray, on the telephone -- asked Gray the question on the
20 telephone and he said, "No."

21 It did not come up again until Dean was being de-
22 briefed and I may very well have told the President about it.
23 I'm certain I did and there was discussion about it. And
24 that discussion went on right up until the evening before
25 Gray's resignation. But I don't recall in the telephone

ELIZABETH ANN TIPTON
11225 Dewey Court
Kensington, Maryland 20795
(301) 846-4436

55. On April 15, 1973 at approximately 7:30 p.m., Ehrlichman requested a meeting with Dean. Dean's attorney discussed this request with Petersen who advised against such a meeting. Dean arranged to have the President told that Dean was acting out of loyalty to the President and that Dean felt the meeting requested by Ehrlichman was inappropriate at this time. The President telephoned Petersen and spoke with him from 8:14 to 8:18 p.m. and from 8:25 to 8:26 p.m. Petersen told the President about Ehrlichman's request to meet with Dean. The President asked if Petersen would have any objection to the President's meeting with Dean. Petersen said he had no objection. The President arranged to meet with Dean that evening.

In response to the Committee's subpoena for the tape recording and other evidence of the President's telephone conversations with Petersen, the President has produced edited transcripts of the recordings. A summary of these transcripts has been prepared.

55.1	John Dean testimony, 3 SSC 1014-15.....	1023
55.2	John Dean testimony, Watergate Grand Jury, February 14, 1974, 20-22 (received from Watergate Grand Jury).....	1025
55.3	Henry Petersen testimony, 9 SSC 3635, 3648.....	1028
55.4	Message from John Dean to the President, received by Lawrence Higby, April 15, 1973, 8:15 p.m., SSC Exhibit No. 34-48, 3 SSC 1313.....	1030
55.5	House Judiciary Committee staff summary of White House edited transcript of a telephone conversation between H.R. Haldeman and Lawrence Higby, April 15, 1973.....	1031
55.6	House Judiciary Committee staff summary of White House edited transcript of a telephone conversation between the President and Henry Petersen, April 15, 1973, 8:14 - 8:18 p.m.....	1032
55.7	House Judiciary Committee staff summary of White House edited transcript of a telephone conversation between the President and Henry Petersen, April 15, 1973, 8:25 - 8:26 p.m.....	1034
55.8	President Nixon daily diary, April 15, 1973, Exhibit 20, <u>In re Grand Jury</u> , Misc. 47-73.....	1035

that Mitchell had met briefly with Ehrlichman but not with the President. Ehrlichman said that Mitchell was not talking which certainly did not surprise me. And I certainly was not surprised that he would not talk with Ehrlichman either. I then pulled the list I had prepared out of my pocket and told them that I had discussed everyone's problem with my lawyers and my lawyers had had conversations with the prosecutors as well and I thought that the following persons would be indicted. I then read them the list. I told them that my attorney had learned from his discussions with the prosecutors that not only was Dean the target of the grand jury but Ehrlichman and Haldeman were also very much targets of the grand jury. Ehrlichman said that he had just talked with Kleindienst a few days earlier about the grand jury and that he had no such report from Kleindienst. I said that my lawyer appears to know more than the Attorney General does because I believe he is probably more informed in that he had had direct conversations with the prosecutors. I did not tell them at that point that I had had private meetings with the prosecutors or that I had told the prosecutors of the extent of involvement of Haldeman and Ehrlichman. When this meeting ended I was quite confident that I had gotten the message through to Ehrlichman and Haldeman that they had a serious problem themselves and I had put them on final notice that I was not playing the coverup game any longer.

It was late that night that I realized that indeed, my message had gotten through. About 1 o'clock on Saturday night or Sunday morning, I received a call from Mr. Shaffer. He said that the prosecutors had called him and that they were going to have to breach the agreement they had made regarding keeping all of my conversations with them private. The prosecutors had reported to Mr. Shaffer that the Attorney General had called Mr. Petersen and them and wanted a full report on everything that was going on before the grand jury and where the grand jury was headed. The meeting with the Attorney General was to occur about 2 a.m., at the Attorney General's home. The prosecutors also reported that the reason they felt they had to breach the agreement was because the Attorney General was being summoned to the President's office the next morning to discuss the entire matter. I told Mr. Shaffer that I had hoped to tell the President personally that I had gone to the prosecutors several weeks ago but that I had understood why this was occurring and obviously there was nothing we could do about it. I told Shaffer that we certainly have gotten the message through to Ehrlichman and Haldeman that they have problems and that the coverup may begin to unravel at last.

On Sunday, April 15, I went to Mr. Shaffer's office for an all-day meeting. I learned during the day that Ehrlichman had been trying to reach me during the better part of the day but I decided not to return his call. When I returned home about 7:30, the White House operator called me again and said that Ehrlichman had been trying to reach me. I then returned his call. He told me that he was going back to the office to do some work that night and would be in about 8 p.m. and would like to meet with me very much. I told him I would meet with him.

I was quite aware of the reason that Ehrlichman wanted to meet with me because I was sure that he had learned from the President what was going on as a result of the President's meeting with Klein-

dienst and Petersen and the fact that I had been to the prosecutors had obviously come out. As I have noted earlier, I had not at any time discussed Presidential involvement with the prosecutors so the discussions that Petersen and Kleindienst had with the President obviously focused on the involvement of Haldeman, Ehrlichman, Dean, Mitchell, Magruder, Strachan, and others that I had discussed. After Ehrlichman's call, I called Mr. Shaffer and we discussed the wisdom of the meetings. I told him I did not want to meet with Ehrlichman and he agreed. Subsequently, I tried to reach Ehrlichman to turn the meeting off but I learned that he was already en route to the office.

I called Mr. Shaffer back and told him that I thought I ought to meet with the President and I should call Rosemary Woods and have her give a message to the President. He said that he saw no problem with my talking with the President to tell him why I had gone to the prosecutors. I attempted to reach Rosemary Woods but she was out of the city. I then wrote out a message for the President and phoned Mr. Higby and requested that Higby relate the matter to Haldeman, Ehrlichman, and on to the President. I have submitted a copy to the committee of the message I sent to the President at 8:15 Sunday, April 15.

[The document was marked exhibit No. 34-48.*]

Mr. DEAN. In short, I told the President that I hoped he did not interpret my going to the prosecutors as an act of disloyalty, that I did not wish to speak with Ehrlichman at this time, that I would meet with him if he wished to discuss the matter with me, and that I thought that he should get his legal advice from Henry Petersen. Within 45 minutes of sending this message I had a call from the White House operator informing me that the President wished to meet with me at 9 o'clock.

It was shortly after 9 when I arrived at the President's EOB office. As I was driving into the White House I wondered to myself if the meeting was a set-up. By a set-up I mean, was the President going to try to smoke out of me what Ehrlichman and Haldeman obviously had been trying to do and had not been able to do, would not be able to get out of me because they knew very well that I would not play any games with the President. I decided I could not worry about that and I had a duty to explain to the President why I was doing what I had done.

MEETING WITH THE PRESIDENT—APRIL 15

The President was very cordial when we met. I was somewhat shaken when I went in to meet him because I knew I had taken it upon myself to end the coverup and what I had started was going to cause serious problems for the President. I shall attempt to recall the highlights of the conversation that transpired on the meeting which occurred about 9 o'clock on April 15.

I told the President that I had gone to the prosecutors. And, that I did not believe that this was an act of disloyalty but, rather in the end it would be an act of loyalty. I told him I felt this matter had to end. I informed the President that I told the prosecutors of my own involvement and the involvement of others. At one point in the conversation I recall the President asking me about Haldeman's knowledge

*See p. 1313.

DV

19 Q Now, there came a time, on the 15th of April, when
20 you met with the President. Is that correct?

21 A That is correct.

22 Q And what led up to that meeting?

23 A Well, there were, of course, a series of events,
24 starting with my volunteering myself to the original Watergate
25 Prosecutors. It culminated when I had told Mr. Haldeman and

NOTE: THIS PAGE CONTAINED THE ABOVE DELETION WHEN IT WAS RECEIVED BY THE
COMMITTEE ON THE JUDICIARY.

1 Erhlichman that I thought that they were targets of the Grand
2 Jury in the eyes of the prosecutors, and they had asked me
3 why I thought that, and I did not reveal to them, at that
4 time, I'd been to the prosecutors and been dealing with them
5 for several weeks, trying to explain to the prosecutors what
6 had happened.

7 Rather, I told them that my attorneys had told me
8 this which, in fact, was true, and that this really got their
9 attention because Mr. Ehrlichman told me that he had talked
10 to Kleindienst and he was unaware of any such pursuit by the
11 U. S. Attorney's Office of the Grand Jury.

12 So that was the 14th we had that conversation. It
13 might have been the 15th. Well, anyway, I'm giving you the
14 events leading up to my arrival on the 15th.

15 I had a call -- I'd been with my attorney all day,
16 and I had a call from Mr. Ehrlichman, apparently, several
17 times in the latter part of the day, requesting that I return
18 the call, and I didn't do it until I arrived home about 7:30.

19 When I called him, he told me that -- and, of course,
20 I was aware from the preceding evening, what had gone on, -- that
21 Mr. Glanzer had called my attorney to tell him that they were
22 going to have to report to the Attorney General that I had
23 been to visit them.

24 Since I was well aware of the fact that Mr. Ehrlich-
25 man was probably aware of it by now, also.

26

1 And when I got Ehrlichman on the telephone about,
2 oh, quarter of eight, or so, he told me that he just happened
3 to be going back into the office and he would enjoy chatting
4 with me, if I would come by his office. I said, "All right."
5 I really said not much more, and then called my lawyer, Mr.
6 Shaffer, and told him that Ehrlichman wanted to meet with
7 me. I told Mr. Shaffer I didn't want to meet with Ehrlichman
8 but I thought, indeed, I should meet with the President and
9 tell him what I had done. Mr. Shaffer agreed.

10 I tried to reach Rosemary Woods, thinking that she
11 would take the message directly to the President without
12 having to go through Haldeman and Ehrlichman. She was at a
13 funeral out of the city. So I was left with no alternative
14 but to go through Mr. Haldeman and I called Mr. Higby.

15 I gave him a message, which I wrote down right after
16 I did it, and I think it's a public document now.

17 As a result of that call to Mr. Higby, in which I
18 indicated he should inform Haldeman and Ehrlichman and, I
19 assumed, Mr. Haldeman would inform the President, my phone
20 started ringing about thirty minutes later. And it was the
21 White House operator indicating that the President wanted to
22 meet with me about 9:00 o'clock.

23 I told her I would be in as soon as I could get in,
24 and I don't think I arrived quite at 9:00, but shortly there-
25 after, and that's what prompted me --

3635

man to conduct an investigation. I never asked him for the product of Ehrlichman's investigation, nor do I know what it consisted of.

Mr. THOMPSON. Did you ever discuss with the President the possibility of his talking to Liddy or Liddy's lawyer?

Mr. PETERSEN. No, sir. During the course—I did suggest to the President that he ought to hear John Dean himself, that he ought to hear from John Dean what John Dean was telling the prosecutors to aid the President in making up his mind with respect to his future course of conduct toward Haldeman and Ehrlichman.

At my home later that Sunday evening, on April 15, Charlie Shaffer, Mr. Dean's lawyer, called and present were Mr. Silbert and Mr. Glanzer, stated that he—Dean had had a call from Mr. Ehrlichman who wanted to meet with Dean and requested our advice. We told him not to meet with Mr. Ehrlichman but that it would be perfectly agreeable to meet with the President. Thereafter he called back and said that Mr. Dean had sent a message back to the White House suggesting that he would be happy to meet with the President, and what have you. The President called me that evening and said he had received that message and should he meet with him and I said by all means. He called again to say that the meeting had been set up. He called then again around 9:30 or 9:45—I did not know that Mr. Dean was still there—and said that he had received information that Liddy was waiting for some sort of signal from the White House, and the President, as to whether or not he should be cooperative or testify and the President charged me with conveying that information to Mr. Liddy. I got in touch with Mr. Tom Kennelly, who is local counsel for Mr. Liddy, passed that message on to him. I was thereafter called around midnight by Mr. Maroulis, who is principal counsel for Mr. Liddy and imparted the same information, namely, that if Mr. Liddy was not cooperating out of any sense of misguided loyalty or loyalty to the administration, or what have you, that he was misguided and the President wanted him to cooperate. Mr. Maroulis thanked me for the information and that was it. We have not heard from Mr. Liddy.

Mr. THOMPSON. Did the President ever tell you anything else that was discussed in his conversation with Dean on April 15?

Mr. PETERSEN. No; I did not want to hear it.

Mr. THOMPSON. Why?

Mr. PETERSEN. The reason I did not want to hear it was because we were in negotiation with Mr. Dean and that negotiation was predicated upon certain promises, that he would make certain disclosures to us in order for us to determine whether or not an immunity should be accorded him upon our representation that we would not use that information directly or indirectly against him if no deal was struck. So I did not want to receive information that came from Mr. Dean from any other source in order to keep that situation, very difficult situation, as clean as it could possibly be. The President offered to let me hear the tape and I did not want to hear it.

Mr. THOMPSON. Up until April 30, when Dean was discharged, had Dean told the prosecutors anything that would in any way implicate the President in obstruction of justice or anything along those lines? Did he mention a September 15 conversation, for example, or that he had previously told the President of these matters and the President had failed to act?

Senator GURNEY. Did you know at any time, Mr. Petersen, that Hal-deman and Dean were trying to get the CIA to stop the investigation of the FBI as far as the Mexican money was concerned?

Mr. PETERSEN. Only to the extent of Pat Gray's conversation with me on or around July 5.

Senator GURNEY. What did he tell you at that time?

Mr. PETERSEN. He didn't tell me he had been contacted by the White House. He told me he had been in contact with CIA and that there was some, it was a very guarded conversation type of thing, well, need to know situation, and I simply, well, that may be, but don't accept that unless you accept it in writing, but I had no more information than that on that.

Senator GURNEY. You didn't know anything about the White House involvement?

Mr. PETERSEN. No.

Senator GURNEY. Just CIA?

Mr. PETERSEN. That is right.

Senator GURNEY. At any time during this whole sad affair, either last year or this year, until the events that transpired around April did anybody try to pressure you to stop or slow down or soft-pedal this investigation that you were in charge of?

Mr. PETERSEN. No, sir, the only thing that could possibly cast in that category would be the call from Ehrlichman with respect to Stans' subpoena and, you know, frankly, that didn't bother me too much. As I told Kleindienst, he just made a mistake. But no one else. There was some pressure to get the indictment out, get the indictment, they wanted it out by September 1. We couldn't do that. I frankly promised them September 1, we couldn't do it until September 15. That didn't impair the investigation. We were ready to go to trial in November, but Judge Sirica had a bad back and continued the thing on his own motion.

Senator GURNEY. Let me inquire about the contacts you had with the President of the United States. The log here shows a great many phone calls as well as some meetings. Of course, you have covered some of them.

Mr. PETERSEN. Some of them, yes, sir.

Senator GURNEY. What about those four phone calls which the President initiated to you after your afternoon meeting with him on April 5. What were those about?

Mr. PETERSEN. The first was should I meet with John Dean. Yes. The second was a meeting has been set up. The third was if Liddy is not talking because of any sense of misguided loyalty to me, you had better disabuse him and I am issuing orders to you to that effect. The fourth one, I have had a meeting with Dean, he has given me basically what he has told you and I think it has been helpful.

Senator GURNEY. Without going over all of these, because I know you have covered some of them, but I can't identify what you have and what you haven't. Generally, what was the President calling you about during this period of time?

Mr. PETERSEN. Status reports, immunity, the Ellsberg thing, Strachan's testimony. We had Strachan like this and Magruder on one side and Strachan on the other and we finally decided to put them both

NOTE: THE AFTERNOON MEETING BETWEEN THE PRESIDENT AND HENRY PETERSEN REFERRED TO BY SENATOR GURNEY IN THE BRACKETED PORTION OF PAGE 3648 ACTUALLY TOOK PLACE ON APRIL 15, 1973.

EXHIBIT No. 34-48

Message to the P
8:15

Sun April 15th

To Higby from H—to P
also inform E

(1) I hope you understand that my actions are motivated by total loyalty to you & the Presidency. If that is not clear now, I believe it will become clear.

(2) E has requested to meet with me tonite, but I believe it is inappropriate for me to meet with him at this time.

(3) I am ready & willing to meet with you at any time to discuss the matter.

(4) You should take your counsel from Henry Petersen who I assure you doesn't want the Presidency hurt.

NOTE.—This is printed from handwritten notes which were not legible enough for photographing. The original copy is retained in committee files.

(1313)

SUMMARY OF EDITED WHITE HOUSE TRANSCRIPT

APRIL 15, 1973

On April 15, 1973, at some hour not stated in the transcript, Higby telephoned Haldeman and gave him the following message from Dean for the President: "(1) I hope you understand my actions are motivated totally out of loyalty to you and the President [a]nd if it's not clear now it will become clear." "(2) Ehrlichman requested to meet tonight but I feel inappropriate at this time I am ready and willing to meet with you, meaning the President," Higby said, "at any time to discuss these matters." "(3) I think you, meaning the President," Higby said, "should take your counsel from Henry Petersen who I assure you does not want the Presidency hurt."

Higby said Dean had called from his home, and would not speak directly to Haldeman.

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

APRIL 15, 1973, 8:14 to 8:18 P.M.

On April 15, 1973, the President telephoned Assistant Attorney General Henry Petersen. Their conversation lasted from 8:14 to 8:18 p.m. The President asked Petersen if there was anything further he wanted to report before their 12:30 meeting the following day. Petersen replied that there was not really anything that added to what they had discussed earlier that day. (p.1)

Petersen told the President that Dean's counsel told the prosecutors that he would not permit Dean to plead guilty to any charges unless some agreement could be worked out. Petersen explained to the President that without an agreement, Dean would go to trial and plead not guilty. Petersen stated that Dean's counsel took the position "that it would be a travesty to try Dean and not try Ehrlichman and Haldeman." (pp. 1-2)

The President asked Petersen whether that inhibited them from using the information supplied by Dean during his preliminary negotiations with the prosecutors. Petersen told the President that the information could not be used for any purpose unless Dean pleaded. (p. 2)

Petersen told the President that Dean had received a telephone call from Ehrlichman requesting a meeting with Dean for eight o'clock that evening. Petersen said that they suggested to Dean that he not meet with Ehrlichman. Petersen said that they had been advised by Dean's counsel that Dean was writing a note to the President advising him that what Dean was doing was in the President's interests and that would become apparent as the situation unfolded. (pp. 2-3)

Petersen told the President that he saw no objection to the President's meeting with Dean. The President told Petersen that he was going to meet Dean because he was "not going to screw around with this thing." Petersen agreed with the President's suggestion that the President ask Dean to tell him the whole truth. (p. 3)

Petersen advised the President that a signal from him might bring out the truth from Liddy. (p. 3) Petersen said that Liddy had indicated to Mitchell that he would do whatever he was told to do by Mitchell. Petersen suggested to the President that the prosecutors tell Liddy that they had discussed the situation with the President and he believed it was vitally important that Liddy tell all he knew. The President said, "I get it. Uh h.h. OK." (p. 4)

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

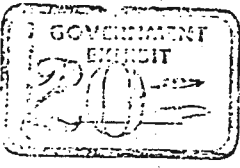
APRIL 15, 1973, 8:25 p.m. to 8:26 p.m.

On April 15, 1973 the President called Assistant Attorney General Henry Petersen and they spoke between 8:25 and 8:26 p.m. The President told Petersen that he was trying to reach Dean but had not been able to get him because Dean was in transit. The President said he would report to Petersen after he saw Dean. (p. 1)

The President told Petersen that he did not know Liddy or have control over him, but Petersen was to tell Liddy that the President wanted everybody involved to tell everything they knew. The President suggested that Petersen contact Liddy's lawyer that night, saying "I don't want to stall around." (p. 1)

Petersen told the President that Liddy was taking orders from higher authority and "since you are the highest authority he will stand in line if we handle it discretely." (p. 2) The President said that Petersen was to tell everyone that he wished them to talk and to tell the truth; "You just say those are your orders." (p. 2)

55.8 PRESIDENT NIXON DAILY DIARY, APRIL 15, 1973, EXHIBIT 20,
IN RE GRAND JURY, MISC. 47-73

THE WHITE HOUSE		PRESIDENT RICHARD NIXON'S DIARY (See Travel Record for Travel Activity)		DATE (Mo., Day, Yr.) APRIL 15, 1973 TIME DAY 12:09 a.m. SUNDAY
PLACE DAY BEGAN *Revised, 7/26/73 THE WHITE HOUSE WASHINGTON, D.C.				
TIME		PHONE P-Placed R-Received	ACTIVITY	
In	Out	To	FD	
12:09	12:16	P		The President talked with Army Vice Chief of Staff Gen. Alexander M. Haig, Jr.
12:20	12:32	P		The President talked with television writer and producer Paul W. Keyes.
12:33		P		The President telephoned his Press Secretary, Ronald L. Ziegler. The call was not completed.
12:35	12:45	P		The President talked with his Assistant, Henry A. Kissinger.
1:01	1:04	P		The President talked with Mr. Ziegler.
8:41		R		The President was telephoned by Attorney General Richard G. Kleindienst. The President's Special Assistant, Stephen B. Bull, took the call.
9:45				The President had breakfast.
10:02		R		The President was telephoned by Mr. Kissinger. Mr. Bull took the call.
10:13	10:15	R		The President talked with Attorney General Kleindienst.
10:16	10:17	P		The President talked with Mr. Kissinger.
10:35				The President went to the Oval Office.
10:35?	11:15			The President met with his Assistant, John D. Ehrlichman.
11:15				The President returned to the second floor Residence.
11:17				The President and the First Lady went to the Yellow Oval Room.
11:17	11:32			The President and the First Lady had coffee with: Rev. Edward V. Hill, pastor of the Mount Zion Missionary Baptist Church, Los Angeles, California Mrs. Edward V. Hill
11:32				The Presidential party went to the East Room.
11:33	12:07			The President and the First Lady hosted a worship service conducted by Rev. Mr. Hill. The Rochester Male Chorus of Rochester, Minnesota also participated in the service. For a list of guests, see <u>APPENDIX "A."</u>

Source: Misc # 47-73 Source: Grand Jury Proceedings

PRESIDENT RICHARD NIXON'S DAILY DIARY
(See Travel Record for Travel Activity)

DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

12:11 P.M. SUNDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE Placed Received		ACTIVITY
In	Out	To	From	
12:11				The President and the First Lady, accompanied by Rev. Mr. and Mrs. Hill, went to the State Dining Room. Enroute, they participated in a photo opportunity at the foot of the Grand Staircase. White House photographer, in/out
12:11	1:05			The President and the First Lady received their guests. Members of the press, in/out White House photographer, in/out
1:05				The President and the First Lady went to the Grand Hall.
1:05				The President and the First Lady participated in a photo opportunity with the Rochester Male Chorus. White House photographer, in/out
1:11				The President went to his office in the EOB.
1:12	2:22			The President met with Attorney General Kleindienst.
2:30 ?	3:30			The President met with Mr. Ehrlichman.
3:27	3:44	P		The President talked with his Assistant, H. R. Haldeman.
3:36		R		The President was telephoned by Attorney General Kleindienst. The call was not completed.
3:48	3:49	R		The President talked with Attorney General Kleindienst.
3:50		P		The President telephoned Mr. Rebozo. The call was not completed.
4:00	5:15			The President met with: Attorney General Kleindienst Henry E. Petersen, Assistant Attorney General
5:17		P		The President telephoned Mr. Ehrlichman. The call was not completed.
5:25				The President went to West Executive Avenue.
5:25	5:32			The President and Mr. Rebozo motored from the EOB to Pier One of the Washington Navy Yard. Enroute, the President greeted members of the crowd assembled at the north exit of West Executive Avenue.
5:32				The President and Mr. Rebozo boarded the <u>Security</u> .

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

5:32 p.m. SUNDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE Placed Received		ACTIVITY
In	Out	Lo	ID	
				The President and Mr. Rebozo were greeted by Lt. Cdr. Andrew J. Combe, Captain of the <u>Sequoia</u> .
5:37	7:24			The President went boating on the <u>Sequoia</u> . He was accompanied by: Mr. Rebozo Lt. Col. William L. Golden, Military Aide Maj. Gen. Walter R. Tkach, Personal Physician Manolo Sanchez, valet
7:24				The <u>Sequoia</u> docked at Pier One of the Washington Navy Yard.
7:34	7:42			The President and Mr. Rebozo motored from the Washington Navy Yard to West Executive Avenue.
7:43				The President returned to his office in the EOB.
7:50	9:15			The President met with: Mr. Ehrlichman Mr. Haldeman
8:14	8:18	P		The President talked with Mr. Petersen.
8:25	8:26	P		The President talked with Mr. Petersen.
9:17	10:12			The President met with his Counsel, John W. Dean III.
9:39	9:41	P		The President talked with Mr. Petersen.
10:16	11:15			The President met with: Mr. Haldeman Mr. Ehrlichman
11:21				The President returned to the second floor Residence.
11:45	11:53	P		The President talked with Mr. Petersen.

56. On April 15, 1973 from 9:17 to 10:12 p.m., the President met with John Dean in the President's EOB office. Dean has testified that he reported to the President that he had been to the prosecutors; that the President asked him about Haldeman's knowledge of the Liddy plans; that the President stated he had been joking when he said it would be easy to raise \$1 million to pay for maintaining the silence of the Watergate defendants; and that the President said in a nearly inaudible tone that he had been foolish to discuss Hunt's clemency with Colson. Dean also has testified that he told the President he had not discussed with the prosecutors his conversations with the President and that the President told him that he could not tell the prosecutors about national security matters or about any of the conversations between the President and Dean. Dean has testified that the nature of the President's questions led him to think that the President was taping the conversation. The President's notes of this meeting indicate that the President asked Dean what he had told Kalmbach about the purpose of the money and that Dean said he had briefed Haldeman and Ehrlichman every inch of the way. During this meeting the President telephoned Petersen from 9:39 to 9:41 p.m. and instructed Petersen to contact Liddy's attorney and tell him that the President wanted Liddy to tell everything he knows.

The President has stated that the tape on the recorder for his EOB office ran out on the afternoon of April 15, 1973. In response to the Committee's subpoena for the tape recording and other evidence of his

telephone conversation with Petersen, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

	Page
56.1 John Dean testimony, Watergate Grand Jury, February 14, 1974, 22-24 (received from Watergate Grand Jury).....	1041
56.2 John Dean testimony, 3 SSC 1015-17.....	1044
56.3 President Nixon notes, April 15, 1973, 1-2 (received from Watergate Grand Jury).....	1047
56.4 President Nixon daily diary, April 15, 1973, Exhibit 20, <u>In re Grand Jury</u> , Misc. 47-73.....	1049
56.5 Memorandum of substance of Dean's calls and meetings with the President, April 15, 1973, with accompanying Fred Thompson affidavit, SSC Exhibit No. 70A, 4 SSC 1794-95.....	1052
56.6 House Judiciary Committee staff summary of White House edited transcript of a telephone conversation between the President and Henry Petersen, April 15, 1973, 9:39 - 9:41 p.m.....	1055
56.7 Henry Petersen testimony, 9 SSC 3648.....	1056
56.8 President Nixon statement, November 12, 1973, 9 Presidential Documents 1329, 1331.....	1057

1 And when I got Ehrlichman on the telephone about,
2 oh, quarter of eight, or so, he told me that he just happened
3 to be going back into the office and he would enjoy chatting
4 with me, if I would come by his office. I said, "All right."
5 I really said not much more, and then called my lawyer, Mr.
6 Shaffer, and told him that Ehrlichman wanted to meet with
7 me. I told Mr. Shaffer I didn't want to meet with Ehrlichman
8 but I thought, indeed, I should meet with the President and
9 tell him what I had done. Mr. Shaffer agreed.

10 I tried to reach Rosemary Woods, thinking that she
11 would take the message directly to the President without
12 having to go through Haldeman and Ehrlichman. She was at a
13 funeral out of the city. So I was left with no alternative
14 but to go through Mr. Haldeman and I called Mr. Higby.

15 I gave him a message, which I wrote down right after
16 I did it, and I think it's a public document now.

17 As a result of that call to Mr. Higby, in which I
18 indicated he should inform Haldeman and Ehrlichman and, I
19 assumed, Mr. Haldeman would inform the President, my phone
20 started ringing about thirty minutes later. And it was the
21 White House operator indicating that the President wanted to
22 meet with me about 9:00 o'clock.

23 I told her I would be in as soon as I could get in,
24 and I don't think I arrived quite at 9:00, but shortly there-
25 after, and that's what prompted me --

1 Q What was the substance of the conversation on the
2 15th?

3 A Well, the meeting was much different from most
4 meetings I have had with the President. I was uncomfortable
5 -- very uncomfortable -- because I had taken it upon myself
6 to go to the prosecutors, and thought I ought to tell him
7 that.

8 So I initiated what I had done and why I had done
9 it and then he began asking me a series of rather leading
10 questions and I provided him the answers to the questions
11 as we went along.

12 One time, during the conversation, the question of
13 Mr. Liddy coming forward came up and he interrupted our
14 meeting to call Mr. Petersen and tell him my suggestion, that
15 he might personally meet with Mr. Maroulis and have Mr. Liddy
16 come forward.

17 He asked me -- he talked about immunity and I told
18 him I had no deal for immunity with the prosecutors, and he
19 told me, well, there was nothing he would do that would in-
20 terfere with my discussions with the prosecutors.

21 At one point in the meeting, he mentioned to me
22 something I had forgotten about. It was the fact that we had
23 discussed that there would be no problem to raise a million
24 dollars to pay these people, the defendants, and he told me
25 I should understand that he was only joking when he raised

1 that.

2 He also asked me if I had conversations with the
3 prosecutors about my conversations with him, and I told him,
4 no, I had not -- which I had not. And he told me I could
5 not have such conversations with the prosecutors; that that
6 was Executive Privilege or national security information.

7 He -- at one point, he got up and went over to the
8 corner of his office and raised the question of his conversa-
9 tion with Mr. Colson regarding clemency for Hunt. He said to
10 me that he was foolish to talk to Mr. Colson, wasn't he, and
11 I don't recall that I responded to his comment.

12 It was a wide-ranging meeting. He was searching for
13 a date, at one time in the meeting. He asked me if I remem-
14 bered when I'd given him my counsel on the Presidency speech.
15 He said was that the 21st, and I said I wasn't certain of the
16 date, which I wasn't, at that time. I said I would check,
17 try to figure it out. I just couldn't answer it specifically.

18 As I say, it was a very wide-ranging conversation.
19 He was doing most of the questioning and trying to lead me
20 along into the answers I presume he wanted.

21 Q Now, on the 16th, you had conversations with the
22 President, I believe, on two occasions?

23 A That is correct.

24 Q And this Grand Jury has also heard tape recordings
25 of those conversations, so it isn't necessary to go into them.

dienst and Petersen and the fact that I had been to the prosecutors had obviously come out. As I have noted earlier, I had not at any time discussed Presidential involvement with the prosecutors so the discussions that Petersen and Kleindienst had with the President obviously focused on the involvement of Haldeman, Ehrlichman, Dean, Mitchell, Magruder, Strachan, and others that I had discussed. After Ehrlichman's call, I called Mr. Shaffer and we discussed the wisdom of the meetings. I told him I did not want to meet with Ehrlichman and he agreed. Subsequently, I tried to reach Ehrlichman to turn the meeting off but I learned that he was already en route to the office.

I called Mr. Shaffer back and told him that I thought I ought to meet with the President and I should call Rosemary Woods and have her give a message to the President. He said that he saw no problem with my talking with the President to tell him why I had gone to the prosecutors. I attempted to reach Rosemary Woods but she was out of the city. I then wrote out a message for the President and phoned Mr. Higby and requested that Higby relate the matter to Haldeman, Ehrlichman, and on to the President. I have submitted a copy to the committee of the message I sent to the President at 8:15 Sunday, April 15.

[The document was marked exhibit No. 34-48.*]

Mr. DEAN. In short, I told the President that I hoped he did not interpret my going to the prosecutors as an act of disloyalty, that I did not wish to speak with Ehrlichman at this time, that I would meet with him if he wished to discuss the matter with me, and that I thought that he should get his legal advice from Henry Petersen. Within 45 minutes of sending this message I had a call from the White House operator informing me that the President wished to meet with me at 9 o'clock.

It was shortly after 9 when I arrived at the President's EOB office. As I was driving into the White House I wondered to myself if the meeting was a set-up. By a set-up I mean, was the President going to try to smoke out of me what Ehrlichman and Haldeman obviously had been trying to do and had not been able to do, would not be able to get out of me because they knew very well that I would not play any games with the President. I decided I could not worry about that and I had a duty to explain to the President why I was doing what I had done.

MEETING WITH THE PRESIDENT—APRIL 15

The President was very cordial when we met. I was somewhat shaken when I went in to meet him because I knew I had taken it upon myself to end the coverup and what I had started was going to cause serious problems for the President. I shall attempt to recall the highlights of the conversation that transpired on the meeting which occurred about 9 o'clock on April 15.

I told the President that I had gone to the prosecutors. And, that I did not believe that this was an act of disloyalty but, rather in the end it would be an act of loyalty. I told him I felt this matter had to end. I informed the President that I told the prosecutors of my own involvement and the involvement of others. At one point in the conversation I recall the President asking me about Haldeman's knowledge

*See p. 1313.

of the Liddy plans. He asked me if I had told him earlier about the fact that I had met with Haldeman after the second meeting in Mitchell's office and told Haldeman what was going on and my reaction to what was going on. I told the President that I had reported this fact to him earlier. The President then made some reference to Henry Petersen asking about why Haldeman had not turned it off at that point and told me to testify that I had told Haldeman about the meeting in Mitchell's office. The President almost from the outset began asking me a number of leading questions, which was somewhat unlike his normal conversational relationships I had had with him, which made me think that the conversation was being taped and that a record was being made to protect himself. Although I became aware of this because of the nature of the conversation, I decided that I did not know it for a fact and that I had to believe that the President would not tape such a conversation.

Some question came up, by the President, as to whether I had immunity. As best as I can recall, I told him my lawyers had discussed this with the prosecutors but certainly I had no deal with the Government. He told me that he did not want to do anything to hurt my negotiations with the Government. I do not recall his comment on his comment regarding that. I also recall that the conversation turned to the matter of Liddy not talking. He said something about Liddy was waiting for a signal and I told him that possibly he was waiting for a signal from the President.

I discussed with him the fact that maybe if Liddy's lawyer met with him that Liddy would begin to open up because I said that I thought that that would be very helpful if Liddy did talk. It was during this part of the conversation that the President picked up the telephone and called Henry Petersen and pretended with Petersen that I was not in the room but that the matter of Liddy's coming forward and talking had arisen during our conversation. The President relayed to Petersen that if Liddy's lawyer wanted to see him to get a signal that the President was willing to do this.

The President also asked me about Petersen and I told him if anyone could give him good advice Henry Petersen could. The President also asked me if I remembered what day it was in March that I had reported to him on some of the details of the Watergate matter. He said that he thought it was the 21st but was not certain. I said that I could not recall for certain without checking.

At another point in the conversation the matter of the degree of discussions that I had had with the prosecutors came up and I informed the President that I had had no discussions with the prosecutors relating to conversations I had had with him or in anything in the area of national security. The President told me that I could not talk about national security areas and that I should not talk about conversations I had had with him because they were privileged conversations.

Toward the end of the conversation the President recalled the fact that at one point we had discussed the difficulty in raising money and that he had said that \$1 million was nothing to raise to pay to maintain the silence of the defendants. He said that he had, of course, only been joking when he made that comment. As the conversation went on, and it is impossible for me to recall anything other than the high

points of it, I became more convinced that the President was seeking to elicit testimony from me and put his perspective on the record and get me to agree to it.

The most interesting thing that happened during the conversation was, very near the end, he got up out of his chair, went behind his chair to the corner of the Executive Office Building office and in a nearly inaudible tone said to me he was probably foolish to have discussed Hunt's clemency with Colson. I do not recall that I responded. The conversation ended shortly thereafter.

As I was on my way out of the office after exchanging parting pleasantries, I told the President that I hoped that my going to the prosecutors and telling the truth would not result in the impeachment of the President. He jokingly said, "I certainly hope so also," and he said that it would be handled properly.

MEETING WITH THE PRESIDENT—APRIL 16

I received word on Monday morning, April 16, that the President had requested I come to the oval office. I arrived at his office about 9:45, and rather than going to the reception entrance normally used by other members of the staff and myself, I went into Mr. Steve Bull's office. Mr. Bull is the one who had informed me that the President wanted to see me, so I went to his office.

Mr. Bull told me I would have to wait a few minutes because the President was in another meeting. A few minutes later Haldeman and Ehrlichman emerged laughing from the President's office and when they saw me in Mr. Bull's office their faces dropped. I said hello, they put on a serious—they said hello, put on a serious look and departed. I went into the President's office.

The President told me that he had been thinking about this entire matter and thought it might be a good idea if he had in his drawer a letter from me requesting that he accept my resignation or in the alternative an indefinite leave of absence. He said that he had prepared two letters for my signature and he would not do anything with them at this time but thought it would be good if he had them. He then passed me a manila file folder with two letters in them. The President said that he had prepared the letters himself and that no one would know I had signed them. I read the letters and was amazed at what I was being asked to sign. I have submitted to the committee copies of the letters, but since they are very brief, I will read them.

[The letters were marked exhibit No. 34-49.*]

Mr. DEAN. The first letter, dated April 16, 1973, read:

Dear Mr. President, in view of my increasing involvement in the Watergate matter, my impending appearance before the grand jury and the probability of its action, I request an immediate and indefinite leave of absence from my position on your staff.

The second letter, which was even more incriminating, read:

Dear Mr. President, as a result of my involvement in the Watergate matter, which we discussed last night and today, I tender you my resignation, effective at once.

*See p. 1314.

19.3

DV

Concern on
the Operating

Dean -

Totally privileged (with Hunt)

M4 grand - says

Info from G. J. to Dean -
(from Peterson)

4-15-73

Problem for E -

① Dean asked if E
had objection to
Kaulbach raising
money for Opulato

How deep was Peterson in this?

What about the 350?

What was in the packet -
what's going on(What did you tell Kaulbach
about jumping B.)

Should I keep E & H on?

What about Coulson Hunt

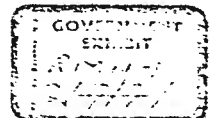
Erlacher - long on Kraft -

① Tapes on other members

② Bob H, E & M -

- reported on M4 grand (Dean)
"by skin of his teeth"

DV000001



Mr & Graham - asked him to
Mittell -
not to change his
mind -

Dean
after C. D. (Dean & Stearns -
for 100,000
hours)

- ① The corner was growing -
- ② I determined to tell the facts -
- ③ What does this mean to C, H.
- ④ Told his lawyer -
- ⑤ Told them the whole truth -

H & E involved in obstruction -
regardless of motive -

① I am ~~as~~ will testify in court to
Dean -

② D

③ Told Rumbach at Mitchell's
Report, & Bob & E -
for to raise & for defense -

got 40g ~~for~~ before election -
ret cpts of 328 -

Dean

Briefed H & E every ind. way -

Obstruction Justice is as broad as
invasion of man -

① Conspiracy by circumstance -

An called
Coulson
Dum...

Liddys atty ~~was~~ Maroulis -

Return - daily report as of July -

Coulson - E & Dean - on clearing
- told by E - no more

Committee 000002

June 19 - Coulson wanted to
get contents of Dean's
safe out -

UV

Boyd
was
immediately
released
in 1973

THE WHITE HOUSE		PRESIDENT RICHARD NIXON'S DAILY DIARY (See Travel Record for Travel Activity)	
PLACE DAY BEGAN *Revised, 7/26/73 THE WHITE HOUSE WASHINGTON, D.C.		<div style="border: 1px solid black; padding: 5px; display: inline-block;"> GOVERNMENT EXHIBIT 20 </div>	
		DATE (Mo., Day, Yr.) APRIL 15, 1973 TIME DAY 12:09 a.m. SUNDAY	
TIME		PHONE P=Placed R=Received	ACTIVITY
In	Out	To LD	
12:09	12:16	P	The President talked with Army Vice Chief of Staff Gen. Alexander M. Haig, Jr.
12:20	12:32	P	The President talked with television writer and producer Paul W. Keyes.
12:33		P	The President telephoned his Press Secretary, Ronald L. Ziegler. The call was not completed.
12:35	12:45	P	The President talked with his Assistant, Henry A. Kissinger.
1:01	1:04	P	The President talked with Mr. Ziegler.
8:41		R	The President was telephoned by Attorney General Richard G. Kleindienst. The President's Special Assistant, Stephen B. Bull, took the call.
9:45			The President had breakfast.
10:02		R	The President was telephoned by Mr. Kissinger. Mr. Bull took the call.
10:13	10:15	R	The President talked with Attorney General Kleindienst.
10:16	10:17	P	The President talked with Mr. Kissinger.
10:35			The President went to the Oval Office.
10:35?	11:15		The President met with his Assistant, John D. Ehrlichman.
11:15			The President returned to the second floor Residence.
11:17			The President and the First Lady went to the Yellow Oval Room.
11:17	11:32		The President and the First Lady had coffee with: Rev. Edward V. Hill, pastor of the Mount Zion Missionary Baptist Church, Los Angeles, California Mrs. Edward V. Hill
11:32			The Presidential party went to the East Room.
11:33	12:07		The President and the First Lady hosted a worship service conducted by Rev. Mr. Hill. The Rochester Male Chorus of Rochester, Minnesota also participated in the service. For a list of guests, see <u>APPENDIX "A."</u>

Source: Misc # 47-73 In re Grand Jury Proceedings

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

12:11 P.M. SUNDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	In	LD	
12:11				The President and the First Lady, accompanied by Rev. Mr. and Mrs. Hill, went to the State Dining Room. Enroute, they participated in a photo opportunity at the foot of the Grand Staircase. White House photographer, in/out
12:11	1:05			The President and the First Lady received their guests. Members of the press, in/out White House photographer, in/out
1:05				The President and the First Lady went to the Grand Hall.
1:05				The President and the First Lady participated in a photo opportunity with the Rochester Male Chorus. White House photographer, in/out
1:11				The President went to his office in the EOB.
1:12	2:22			The President met with Attorney General Kleindienst.
2:30 ?	3:30			The President met with Mr. Ehrlichman.
3:27	3:44	P		The President talked with his Assistant, H. R. Haldeman.
3:36		R		The President was telephoned by Attorney General Kleindienst. The call was not completed.
3:48	3:49	R		The President talked with Attorney General Kleindienst.
3:50		P		The President telephoned Mr. Rebozo. The call was not completed.
4:00	5:15			The President met with: Attorney General Kleindienst Henry E. Petersen, Assistant Attorney General
5:17		P		The President telephoned Mr. Ehrlichman. The call was not completed.
5:25				The President went to West Executive Avenue.
5:25	5:32			The President and Mr. Rebozo motored from the EOB to Pier One of the Washington Navy Yard. Enroute, the President greeted members of the crowd assembled at the north exit of West Executive Avenue.
5:32				The President and Mr. Rebozo boarded the Sequoia.

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

5:32 p.m. SUNDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE P = Placed R = Received		ACTIVITY
In	Out	Lo	LD	
				The President and Mr. Rebozo were greeted by Lt. Cdr. Andrew J. Combe, Captain of the <u>Sequoia</u> .
5:37	7:24			The President went boating on the <u>Sequoia</u> . He was accompanied by: Mr. Rebozo Lt. Col. William L. Golden, Military Aide Maj. Gen. Walter R. Tkach, Personal Physician Manolo Sanchez, valet
7:24				The <u>Sequoia</u> docked at Pier One of the Washington Navy Yard.
7:34	7:42			The President and Mr. Rebozo motored from the Washington Navy Yard to West Executive Avenue.
7:43				The President returned to his office in the EOB.
7:50	9:15			The President met with: Mr. Ehrlichman Mr. Haldeman
8:14	8:18	P		The President talked with Mr. Petersen.
8:25	8:26	P		The President talked with Mr. Petersen.
9:17	10:12			The President met with his Counsel, John W. Dean III.
9:39	9:41	P		The President talked with Mr. Petersen.
10:16	11:15			The President met with: Mr. Haldeman Mr. Ehrlichman
11:21				The President returned to the second floor Residence.
11:45	11:53	P		The President talked with Mr. Petersen.

Continued

DR

March 23, 1973

The President called Dean and told him to go to Camp David. Later that afternoon he called Dean at Camp David to check on his progress.

(March 30: After it became obvious Dean would write no report, the President directed Ehrlichman to investigate.)

On April 14 Ehrlichman reported possible Mitchell, Magruder and Dean involvement. The President called Kleindienst, who followed up. (Up until now the President had assumed Dean was getting much of his information from the Justice Department.) Kleindienst and Petersen focused in on possible involvement of Haldeman, Ehrlichman and Strachan.

On April 15 Petersen submitted a memo to Ehrlichman, Haldeman and Strachan. They also found out about Gray's destruction of documents.)

April 15, 1973

Dean along with almost everybody else was called in that day. The President told Dean that he must go before the grand jury without immunity.

April 16, 1973

The President asks Dean to resign. Had two drafts prepared for Dean's signature. Dean demanded Haldeman and Ehrlichman resign also.

(Petersen asked the President to hold off on firing Dean until they could get him before the grand jury.)

On April 17 the President released his statement saying that no White House staffers would receive immunity.

On April 19 Dean said he would not be a scapegoat.

On April 27 Petersen told the President there is no use trying to get Dean to go before the grand jury, that he was demanding immunity.

On April 30 the President made his speech concerning Haldeman's and Ehrlichman's resignations and Dean's firing.)

DR

1794

EXHIBIT No. 70A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SENATE SELECT COMMITTEE ON PRESIDENTIAL
CAMPAIGN ACTIVITIES, ET. AL:

Plaintiffs

V.

RICHARD M. NIXON)
INDIVIDUALLY AND AS PRESIDENT OF THE UNITED STATES)

THE WHITE HOUSE
WASHINGTON, D.C.

Defendant

) Civil
) Action
) No.

AFFIDAVIT OF FRED D. THOMPSON

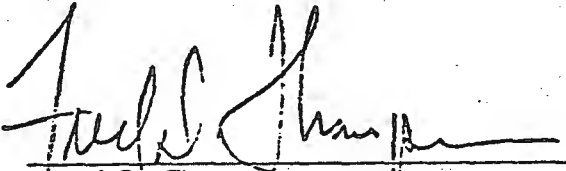
Fred D. Thompson, being sworn, deposes and says:


1. Early in June, 1973, the White House transmitted to the Select Committee a memorandum (which is attached to this affidavit) listing certain oral communications, both face-to-face and telephonic, between President Richard M. Nixon and John Wesley Dean III. This memorandum, inter alia, includes the exact times and durations of these communications, and, in the case of face-to-face communications, the other participants, if any, in those conversations.

1795

2. Shortly thereafter, I received a telephone call from J. Fred Buzhardt, Special Counsel to the President. During this telephone call, Mr. Buzhardt related to me his understanding as to the substance of certain portions of the enumerated conversations between the President and Mr. Dean.

3. During my discussion with Mr. Buzhardt, I made detailed notes on the information that he gave me. Upon conclusion of the conversation, I promptly prepared a "Memorandum of Substance of Dean's Calls and Meeting with the President," a copy of which is attached to this affidavit. It is my belief that this memorandum accurately reflects the information imparted to me by Mr. Buzhardt.


Fred D. Thompson

Subscribed and sworn to, before
me, this 9TH day of August 1973

Notary Public, D.C.
My Commission Expires 11 May, 1976

APPENDIX 28

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

April 15, 1973, 9:39 p.m. to 9:41 p.m.

On April 15, 1973 the President, while conferring with John Dean, telephoned Assistant Attorney General Henry Petersen. Their conversation lasted from 9:39 to 9:41 p.m. The President said that Dean thought it was important that Liddy's attorney, Maroulis, be told that the President wanted Liddy to tell everything he knew. The President told Petersen, ". . . if necessary, you haul him [Maroulis] in here and I will tell him." The President told Petersen to tell Maroulis that "I have called you directly tonight and that you have it direct from the President if he needs it from me, I will tell him." (p. 1)

The President asked Petersen about Dean's belief that Maroulis would accept the message from Petersen. Petersen replied that because Maroulis and Liddy were close friends, he thought the message would get to Liddy. The President reiterated that Petersen should first talk to Maroulis, and if necessary, Petersen should accompany him to see the President. The President continued by stating, "I don't want any things where he comes in and makes any motions -- you see what I mean?" The President said that the matter should be handled at Petersen's level, "rather than having me bring some attorney in and give him an order." The President summarized his position by directing Petersen to "do it at my direction. I think that will do the trick. If it doesn't I will see him myself." (pp. 1-2)

Senator GURNEY. Did you know at any time, Mr. Petersen, that Haldeman and Dean were trying to get the CIA to stop the investigation of the FBI as far as the Mexican money was concerned?

Mr. PETERSEN. Only to the extent of Pat Gray's conversation with me on or around July 5.

Senator GURNEY. What did he tell you at that time?

Mr. PETERSEN. He didn't tell me he had been contacted by the White House. He told me he had been in contact with CIA and that there was some, it was a very guarded conversation type of thing, well, need to know situation, and I simply, well, that may be, but don't accept that unless you accept it in writing, but I had no more information than that on that.

Senator GURNEY. You didn't know anything about the White House involvement?

Mr. PETERSEN. No.

Senator GURNEY. Just CIA?

Mr. PETERSEN. That is right.

Senator GURNEY. At any time during this whole sad affair, either last year or this year, until the events that transpired around April did anybody try to pressure you to stop or slow down or soft-pedal this investigation that you were in charge of?

Mr. PETERSEN. No, sir, the only thing that could possibly cast in that category would be the call from Ehrlichman with respect to Stans' subpoena and, you know, frankly, that didn't bother me too much. As I told Kleindienst, he just made a mistake. But no one else. There was some pressure to get the indictment out, get the indictment, they wanted it out by September 1. We couldn't do that. I frankly promised them September 1, we couldn't do it until September 15. That didn't impair the investigation. We were ready to go to trial in November. but Judge Sirica had a bad back and continued the thing on his own motion.

Senator GURNEY. Let me inquire about the contacts you had with the President of the United States. The log here shows a great many phone calls as well as some meetings. Of course, you have covered some of them.

Mr. PETERSEN. Some of them, yes, sir.

Senator GURNEY. What about those four phone calls which the President initiated to you after your afternoon meeting with him on April 5. What were those about?

Mr. PETERSEN. The first was should I meet with John Dean. Yes. The second was a meeting has been set up. The third was if Liddy is not talking because of any sense of misguided loyalty to me, you had better disabuse him and I am issuing orders to you to that effect. The fourth one, I have had a meeting with Dean, he has given me basically what he has told you and I think it has been helpful.

Senator GURNEY. Without going over all of these, because I know you have covered some of them, but I can't identify what you have and what you haven't. Generally, what was the President calling you about during this period of time?

Mr. PETERSEN. Status reports, immunity, the Ellsberg thing. Strachan's testimony. We had Strachan like this and Magruder on one side and Strachan on the other and we finally decided to put them both

NOTE: THE AFTERNOON MEETING BETWEEN THE PRESIDENT AND HENRY PETERSEN REFERRED TO BY SENATOR GURNEY IN THE BRACKETED PORTION OF PAGE 3648 ACTUALLY TOOK PLACE ON APRIL 15, 1973.

Administration of Richard Nixon

PRESIDENTIAL DOCUMENTS

Week Ending Saturday, November 17, 1973

Presidential Tapes and Documents

*Statement by the President Outlining Procedures
To Provide Information Related to the Watergate
Investigation to the Chief Judge of the United States
District Court for the District of Columbia.
November 12, 1973*

As a consequence of the public disclosure, 2 weeks ago, that two conversations of the President were not recorded on the White House recording system, doubts have arisen about just what happened to these conversations and why they were not recorded. The purpose of this statement is to help dispel those doubts and to spell out certain steps I will take to offer information to the court that will help determine the substance of all nine conversations subpoenaed by the court.

First, there are no missing tapes. There are two conversations requested by the courts which were not recorded. The first is a 4-minute conversation with the former Attorney General, John Mitchell, on June 20, 1972. The second is a meeting of 55 minutes with John Dean, late in the evening of Sunday, April 15, 1973.

There is no question in my mind but that the open-court hearing, now being conducted, will demonstrate to the court's satisfaction the truth of our statements that these two conversations were never recorded. In fact there is no affirmative evidence to the contrary. I believe that when the court concludes its evaluation of the testimony and documentary evidence, public doubt on this issue will be completely and satisfactorily removed.

In the meantime, I believe it important to make a statement about this proceeding so that misconceptions about this matter do not persist, simply because certain basic facts are not presented to the American public.

First, the Senate Select Committee did not subpoena the substance of the two unrecorded conversations. That

material was requested only by the Special Prosecutor, and the court, who believed the substance of nine presidential conversations was necessary for completion of the Watergate investigation.

We are complying fully with the Federal court decision. In seven of nine instances, the actual recording of the conversation is being submitted; this includes five conversations in which John Dean participated—September 15, 1972, March 13, 1973, two on March 21, 1973, one on March 22, 1973. For all nine conversations covered by the subpoena, such contemporaneous notes and memoranda as were made of the conversations are being provided in accordance with the court order.

Before discussing these matters, the issue of when and why the recorded conversations were listened to by me, and by others on my behalf, should be placed in chronological perspective.

On June 4, 1973, I listened to the tape recordings of a number of conversations I had with John Dean in order to refresh my memory of those discussions. All of the conversations to which I listened that day had taken place prior to March 21, 1973. My purpose in reviewing the recordings of my conversations with Mr. Dean was to confirm my recollection that he had not reported certain facts to me prior to March 21, 1973. In late April 1973, I asked H. R. Haldeman to listen and report on the conversation of March 21, 1973, in which he had been present for a substantial portion of time. My primary purpose in having Mr. Haldeman listen to this tape was to confirm my recollection that March 21, 1973, was the date on which John Dean had first reported certain facts to me.

There had been rumors and reports to the contrary—one of them suggesting that John Dean and I had met 30 or 40 times to discuss Watergate—and I wanted to refresh my recollection as to what was the precise and entire truth.

On September 29, 1973, I began a review of the tape recordings subpoenaed by the Special Prosecutor for the grand jury and by the Senate Select Committee. The reason was it had been my deliberate intention to litigate

I have made a diligent search for other evidentiary materials that might shed light on the substance of my conversation with John Dean on the evening of April 15, 1973. Other than my contemporaneous notes of that meeting mentioned above, I have found no such evidence. However, I did meet with John Dean on Monday, April 16, 1973, on two occasions. The first was in the morning in the Oval Office; the second was in the afternoon in the Executive Office Building office. This was my final meeting with Mr. Dean before he left the White House staff. Both of these conversations were recorded on the White House recording system. I recently reviewed the recordings of these conversations. A comparison of my notes of the April 15, 1973, meeting and the recording of the conversation with Mr. Dean on the morning of April 16, 1973, shows both conversations covered much the same subject matter. There are references throughout the conversation on the morning of April 16 to the conversation held the evening before.

I shall voluntarily submit to the court, under the procedures applicable to recordings of conversations already covered by the court order, these recordings of my two conversations with John Dean on April 16, 1973.

In addition, as stated above and consistent with the court order, the court will be provided with:

- (1) The portion of the dictation belt containing my recollection of the June 20, 1972, conversation with Mr. Mitchell.
- (2) The portion of the dictation belt of my recollections of the meetings with Mr. Dean on March 21, 1973.
- (3) Contemporaneous notes from the April 15, 1973, conversation with Mr. Dean.
- (4) All other materials covered by the court order.

I have also authorized my Counsel to make available to the court certain tape recordings not covered by the court order to assist the court in verifying that the two conversations in question were not recorded. The additional tape recordings to be provided are (a) the full reel of telephone recordings covering the period of June 20, 1972, and (b) the two reels of tape which were on the recorders for my Executive Office Building office on April 15, 1973. This will permit the court to check the sequence of the conversations against my daily logs of meetings and telephone conversations already provided to the court, and thus further demonstrate that the Mitchell and Dean conversations in question were not recorded.

I have also agreed that a group of court-approved independent experts employing the most advanced technological methods shall examine all tapes in question for any evidence of alterations to the tapes.

It is my hope that these steps will clear up this aspect of the Watergate matter once and for all.

National Farm-City Week, 1973

Proclamation 4254. November 12, 1973

*By the President of the United States of America
a Proclamation*

Never before in history has so much of the world looked to the American farmer for its food supply. The ability of less than 3 million farmers to keep Americans the best-fed people in the world, while simultaneously meeting the demands of countless millions overseas, is one of our Nation's greatest success stories. This success has contributed significantly not only to our own economic well-being but also to the peace and progress of all mankind.

A strong bond of interdependence links America's farms to America's cities. We should do everything we can to strengthen that bond. People in rural areas and people in urban areas must become increasingly aware of the needs and aspirations of those who live elsewhere, for neither group can prosper without the other. National Farm-City Week is an excellent vehicle for advancing this purpose.

Now, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the period of November 16 through November 22 as National Farm-City Week.

I call on our agricultural organizations, business groups, labor unions, schools, and other interested groups, to participate in this observance. I request the Department of Agriculture, our land-grant educational institutions, and all appropriate organizations and government officials to mark the significance of National Farm-City Week with special events and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of November, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-eighth.

RICHARD NIXON

[Filed with the Office of the Federal Register, 2:27 p.m.,
November 12, 1973]

South Pacific Commission

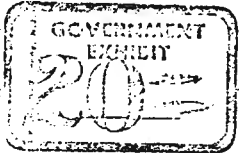
*Announcement of Appointment of D. Hebden Porteus
as an Alternate United States Commissioner.
November 13, 1973*

The President today announced the appointment of D. Hebden Porteus, of Honolulu, Hawaii, as an Alternate

57. On April 15, 1973 from 10:16 to 11:15 p.m. the President met with H. R. Haldeman and John Ehrlichman in the President's EOB office. During this meeting Ehrlichman at the President's request telephoned Patrick Gray and discussed the documents taken from Hunt's White House safe and given to Gray by Dean in June 1972. Shortly thereafter Ehrlichman telephoned Gray and had a second conversation regarding the contents of Hunt's safe. Ehrlichman told Gray that Dean had told the prosecutors that he had delivered two of Hunt's files to Gray. Gray told Ehrlichman that he had destroyed the documents.

	Page
57.1 President Nixon daily diary, April 15, 1973, Exhibit 20, <u>In re Grand Jury</u> , Misc. 47-73.....	1060
57.2 John Ehrlichman testimony, 6 SSC 2615-16.....	1063
57.3 John Ehrlichman testimony, 7 SSC 2675-76, 2678-79.....	1065
57.4 John Ehrlichman testimony, Watergate Grand Jury, May 3, 1973, 177-79 (received from Watergate Grand Jury).....	1069
57.5 L. Patrick Gray testimony, Watergate Grand Jury, July 20, 1973, 113-18 (received from Watergate Grand Jury).....	1072
57.6 L. Patrick Gray testimony, 9 SSC 3470.....	1077
57.7 H. R. Haldeman deposition, <u>Democratic National Committee v. McCord</u> , May 22, 1973, 254-55.....	1078

57.1 PRESIDENT NIXON DAILY DIARY, APRIL 15, 1973, EXHIBIT 20,
IN RE GRAND JURY, MISC. 47-73

THE WHITE HOUSE		PRESIDENT RICHARD NIXON'S DAILY DIARY (See Travel Record for Travel Activity)		DATE (Mo., Day, Yr.) APRIL 15, 1973
PLACE DAY BEGAN *Revised, 7/26/73 THE WHITE HOUSE WASHINGTON, D.C.				TIME DAY 12:09 a.m. SUNDAY
TIME		PHONE P=Placed R=Received	ACTIVITY	
In	Out	To	ID	
12:09	12:16	P		The President talked with Army Vice Chief of Staff Gen. Alexander M. Haig, Jr.
12:20	12:32	P		The President talked with television writer and producer Paul W. Keyes.
12:33		P		The President telephoned his Press Secretary, Ronald L. Ziegler. The call was not completed.
12:35	12:45	P		The President talked with his Assistant, Henry A. Kissinger.
1:01	1:04	P		The President talked with Mr. Ziegler.
8:41		R		The President was telephoned by Attorney General Richard G. Kleindienst. The President's Special Assistant, Stephen B. Bull, took the call.
9:45				The President had breakfast.
10:02		R		The President was telephoned by Mr. Kissinger. Mr. Bull took the call.
10:13	10:15	R		The President talked with Attorney General Kleindienst.
10:16	10:17	P		The President talked with Mr. Kissinger.
10:35				The President went to the Oval Office.
10:35?	11:15			The President met with his Assistant, John D. Ehrlichman.
11:15				The President returned to the second floor Residence.
11:17				The President and the First Lady went to the Yellow Oval Room.
11:17	11:32			The President and the First Lady had coffee with: Rev. Edward V. Hill, pastor of the Mount Zion Missionary Baptist Church, Los Angeles, California Mrs. Edward V. Hill
11:32				The Presidential party went to the East Room.
11:33	12:07			The President and the First Lady hosted a worship service conducted by Rev. Mr. Hill. The Rochester Male Chorus of Rochester, Minnesota also participated in the service. For a list of guests, see <u>APPENDIX "A."</u>

Source: Misc # 47-73 In re Grand Jury Proceedings

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

12:11 p.m. SUNDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	Lo	LD	
12:11				The President and the First Lady, accompanied by Rev. Mr. and Mrs. Hill, went to the State Dining Room. Enroute, they participated in a photo opportunity at the foot of the Grand Staircase. White House photographer, in/out
12:11	1:05			The President and the First Lady received their guests. Members of the press, in/out White House photographer, in/out
1:05				The President and the First Lady went to the Grand Hall.
1:05				The President and the First Lady participated in a photo opportunity with the Rochester Male Chorus. White House photographer, in/out
1:11				The President went to his office in the EOB.
1:12	2:22			The President met with Attorney General Kleindienst.
2:30 ?	3:30			The President met with Mr. Ehrlichman.
3:27	3:44	P		The President talked with his Assistant, H. R. Haldeman.
3:36		R		The President was telephoned by Attorney General Kleindienst. The call was not completed.
3:48	3:49	R		The President talked with Attorney General Kleindienst.
3:50		P		The President telephoned Mr. Rebozo. The call was not completed.
4:00	5:15			The President met with: Attorney General Kleindienst Henry E. Petersen, Assistant Attorney General
5:17		P		The President telephoned Mr. Ehrlichman. The call was not completed.
5:25				The President went to West Executive Avenue.
5:25	5:32			The President and Mr. Rebozo motored from the EOB to Pier One of the Washington Navy Yard. Enroute, the President greeted members of the crowd assembled at the north exit of West Executive Avenue.
5:32				The President and Mr. Rebozo boarded the <u>Sequoia</u> .

PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 15, 1973

TIME DAY

5:32 p.m. SUNDAY

THE WHITE HOUSE
WASHINGTON, D.C.

TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	Lo	LD	
				The President and Mr. Rebozo were greeted by Lt. Cdr. Andrew J. Combe, Captain of the <u>Sequoia</u> .
5:37	7:24			The President went boating on the <u>Sequoia</u> . He was accompanied by: Mr. Rebozo Lt. Col. William L. Golden, Military Aide Maj. Gen. Walter R. Tkach, Personal Physician Manolo Sanchez, valet
7:24				The <u>Sequoia</u> docked at Pier One of the Washington Navy Yard.
7:34	7:42			The President and Mr. Rebozo motored from the Washington Navy Yard to West Executive Avenue.
7:43				The President returned to his office in the EOB.
7:50	9:15			The President met with: Mr. Ehrlichman Mr. Haldeman
8:14	8:18	P		The President talked with Mr. Petersen.
8:25	8:26	P		The President talked with Mr. Petersen.
9:17	10:12			The President met with his Counsel, John W. Dean III.
9:39	9:41	P		The President talked with Mr. Petersen.
10:16	11:15			The President met with: Mr. Haldeman Mr. Ehrlichman
11:21				The President returned to the second floor Residence.
11:45	11:53	P		The President talked with Mr. Petersen.

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Mr. EHRLICHMAN. I don't think—well, I don't know whether there was testimony about that. That is not a phrase that I have ever testified to. I don't recall that phrase being used.

Senator GURNEY. Your recollection then is that it was just made known to Gray that these were very sensitive documents, and he ought to make sure they were kept very sensitive and no one saw them. Is that the gist of it?

Mr. EHRLICHMAN. No; I think the word "politically" was in it. I think it was very clear they had political overtones rather than saying sensitive from a national security standpoint or something of that kind.

Senator GURNEY. Was there any discussion at that meeting that would give Gray the thought that he ought to destroy them?

Mr. EHRLICHMAN. No, sir.

Senator GURNEY. You are positive on that score?

Mr. EHRLICHMAN. And the reason that I am positive, Senator, is that when I heard that he had in fact destroyed them I was just nonplussed. There was just nothing in the contemplation of the people in that room at the time of the delivery that would have led to that kind of a conclusion.

Senator GURNEY. Did you ever have any communication with Mr. Gray about these documents after that meeting?

Mr. EHRLICHMAN. Yes, sir.

Senator GURNEY. And recount that to the committee.

Mr. EHRLICHMAN. That was in April of this year. We had a conversation. The President asked me to telephone Mr. Gray, it was a Sunday night, and it was the 15th of April, at about 10:15 p.m. I was in the President's EOB office, and he had had a meeting that day with Mr. Kleindienst. The subject of these documents came up at that meeting, and the President asked me to call Mr. Gray and find out what the documents were and where they were. So I did that. Mr. Gray was not home. When he got home he called back and we completed the conversation in the President's office.

Do you want the substance of the conversation?

Senator GURNEY. Yes.

Mr. EHRLICHMAN. I told him at that time that the delivery of the documents to him had been the subject of this conversation between the Attorney General and the President; that Mr. Dean apparently had told the prosecuting attorney about the fact that he had made the delivery. Mr. Gray said, "Well, he can't say that." And I said, "Well, he did say that." and he said "If he says that, I will deny it," and I said "Well, Pat, it isn't a subject for denial. Obviously it's not something you can deny, I recall the episode very clearly." Well, he says, "You have got to back me up on this." Then he went on to say "I destroyed the documents."

That totally nonplussed me and I said something rather confused and said goodby and hung up and reported to the President that he had, in fact, just told me that he had destroyed the documents.

We talked about the implications of that, and I said "I don't think that I completely closed the door with Mr. Gray just now on whether or not I would back him up if he denied receiving the documents."

So I placed a second call right then, and I said "Pat, I didn't respond clear enough to your suggestion and I just want to tell you, as I have to tell you, that I would have no choice if I were asked but to say

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that I was present at the time the documents were delivered to you." And he said "I understand. I guess I will have to do what I have to do" or words to this effect, and that is the end of the second conversation.

Senator GURNEY. Thank you, Mr. Ehrlichman. I think my time has elapsed, Mr. Chairman.

Senator ERVIN. Unless there is some objection the committee will take a recess at this time until 2 o'clock.

[Whereupon at 12 noon, the committee recessed to reconvene at 2 p.m., the same day.]

AFTERNOON SESSION, WEDNESDAY, JULY 25, 1973

Senator ERVIN. I wish to reiterate the request to the audience to refrain from expressing approval or disapproval of anything said or done. I have to say that probably Senator Baker and myself were quite guilty of a little contributory negligence, we both so interested ourselves and probably laughed and probably set an example for others, but I do ask in the interest of the work of the committee, from the interest of fairness to witnesses, that the audience will refrain from expressing approval or disapproval in any audible manner in respect to any matter or thing. It will certainly facilitate the work of the committee as well as contribute to a proper hearing.

Senator Inouye.

Senator INOUE. Thank you very much, Mr. Chairman.

Mr. Ehrlichman, a few days ago Mr. Alexander Butterfield described in great detail the electronic audio recording devices which have been established and installed in the White House, in the Oval Room, in the Executive Office Building, and elsewhere. Yesterday in colloquy with one of my colleagues here when the tapes were mentioned you indicated that you were certain that if these tapes were made public they would support your contention, they would support your innocence. Is my memory correct, sir?

Mr. EHRLICHMAN. That is my feeling, Senator.

Senator INOUE. The President of the United States, has, by letter, indicated that he has no intention to release these tapes and tomorrow I presume we will know very officially what his decision will be, but it would appear at this point that these tapes will not be made public.

I have heard legal scholars suggest that this fact could serve as a defense for persons who may be indicted for certain criminal activities which may have involved the White House. One may argue that the tapes include indispensable evidence to prove innocence, and this would be sufficient for defense to move for the dismissal of an indictment. What are your thoughts, sir?

Mr. EHRLICHMAN. Well, as I tried to indicate yesterday, I have been on the other side of the problem here where I was sitting by the President trying to approach a problem which involved the rights of individuals and also the interest of the country, and they frequently do not coincide.

Senator INOUE. My question—

Mr. EHRLICHMAN. I understand.

Senator INOUE. My question is "if," and this is a very "iffy" question, and please forgive me for that, but if the U.S. Prosecutor should

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Mr. EHRLICHMAN. Well, my problem was not with Mr. Gray personally with regard to leaks. Obviously, we would not have turned the documents over to him if we thought he was going to leak them.

The problem was, as you read in the first transcript, was with a staff person high up in the FBI or at least, we suspected it was, we never established it. At the time we had had a number of conversations with Mr. Gray about the problem, and I had had some conversations with Mr. Kleindienst about the problem, and we had conversations about how to solve the problem. When I said we went around Mr. Gray, it was that Mr. Kleindienst, unknown to Mr. Gray, so that he would not even know it was being done, was going to plant a story or a fact, and we were going to see in such a way that the individual under suspicion might be disclosed. It was a long shot but it might have worked.

Now, I had implicit confidence in Mr. Gray as not being the source of the leak because we had had experience with Mr. Gray in the Justice Department and at HEW before that, and he was extraordinarily reliable, and so that was not the problem, and I hope that I did not—I hope we made that—

Senator WEICKER. I do not think you did because you repeat your sentence to us because at that time we, and I assume that is you, "were talking with Mr. Kleindienst about how to go about smoking out this problem around Mr. Gray, frankly."

Mr. EHRLICHMAN. That is right, and the problem was on his staff. It was a holdover from the FBI who had been there when Mr. Gray came.

Senator WEICKER. Do you go around people when you trust them?

Mr. EHRLICHMAN. Sometimes, sometimes, and it was Mr. Kleindienst's view that that was a way to proceed and I do not say it was his view or mine, but that we would not bring Mr. Gray into our confidence with regard to Mr. Kleindienst's idea for planting a story. That is the only time we went around Mr. Gray, that I can think of.

Senator WEICKER. One last series of questions, sir.

Mr. Chairman, I do not mean to—I can see you warming up on that microphone and I just want to make sure I am not—

Senator ERVIN. You just said one last question, I was not wanting you to ask one last question, I was going to get there so I would not fail to recognize Senator Montoya. So far as I am concerned, you can go ahead and ask more than one last question.

Senator WEICKER. This will be my last series on this go-around.

You testified yesterday that on April 15 you called Pat Gray and that he told you he had taken the Hunt papers to Connecticut and destroyed them. Is that correct?

Mr. EHRLICHMAN. I do not recall his telling me that he took them to Connecticut.

Senator WEICKER. All right. Did he tell you that he destroyed them?

Mr. EHRLICHMAN. Yes, sir.

Senator WEICKER. Now, let me read your testimony at that point.

That was—

and this was in response to Senator Gurney—

That was in April of this year, we had a conversation. The President asked me to telephone Mr. Gray. It was Sunday night and it was the 15th of April at about 10:15 p.m. I was in the President's EOB Office and he had a meeting that day with Mr. Kleindienst. The subject of these documents came up at that meet-

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ing and the President asked me to call Mr. Gray and find out what the documents were and where they were. So I did that. Mr. Gray was not home. When he got home he called back and we completed the conversation in the President's office.

Now, let me ask you this. After you received the word from Mr. Gray, which I believe was on April the 15th, did you transmit that information to the President?

Mr. EHRLICHMAN. Yes, sir.

Senator WEICKER. On what day was that?

Mr. EHRLICHMAN. He was sitting right there. I transmitted it instantly.

Senator WEICKER. He was sitting with you when you made this call to Pat Gray?

Mr. EHRLICHMAN. Yes, sir.

Senator WEICKER. And this was on April 15? Is that correct?

Mr. EHRLICHMAN. Yes, sir.

Senator WEICKER. Was any action taken by the President, any action recommended by you, when you received word that the Director of the Federal Bureau of Investigation had gone along and, in fact, burned or destroyed, rather, Department files?

Mr. EHRLICHMAN. Yes, sir. The President took the action that was taken, and his first action was to contact either Mr. Kleindienst or Mr. Petersen, I am not sure which of the two it was, and he was asked to do nothing further until they had an opportunity to check into it and report back.

Senator WEICKER. In other words, he asked for a report.

Mr. EHRLICHMAN. Well, he asked for an investigation and a corroboration of this, and circumstances surrounding it so that he would know how to take the next step.

Senator WEICKER. Gray admitted to you that he had destroyed the files?

Mr. EHRLICHMAN. That is correct.

Senator WEICKER. What is there to investigate in this matter?

Mr. EHRLICHMAN. Well, you have a situation that obviously is considerably more than just an employment problem here, and the President felt—you see he had spent the major portion of that day or a good portion of that day with the Attorney General and the Assistant Attorney General on the whole case, and he was desirous of making sure that any step that he took was in coordination with those gentlemen, and he, as a matter of fact, forbore to take a number of steps on his own motion in order to work in concert with the Attorney General and the Assistant Attorney General, Mr. Petersen.

Senator WEICKER. So on April 15 you and the President learned that files had been destroyed, and the reaction of the President is "We are going to get a report."

Mr. EHRLICHMAN. No, he was obviously very concerned and upset by this, and—

Senator WEICKER. Well, let me recount to you a personal experience because I had the identical experience that you and the President had on April 25. I was called by the Director, who was still the Acting Director, even though he had miffed the President of the United States and the head of the Domestic Council, that is, had burned the record. I was called by the Acting FBI Director in his office and I sat in the chair and the Acting Director turned to me and in essence said

this had to be done in an orderly fashion by the law enforcement people who were responsible for the prosecution of the case. As it turned out it was well that he did because Mr. Petersen, in pursuing the investigation with Mr. Gray, was able to develop other facts as a result of being able to do so without the cameras on, so to speak, which are as I am sure you recognize both a positive and a negative aspect of a matter of this kind in terms of adducing the facts.

Now, I think that in hindsight, while it may sound very self-serving for me to say so, the President took precisely the right steps in immediately informing Mr. Petersen as he did, so that the prosecutors and the law enforcement people could do their work in making the scales before it was all over the newspapers. Now the identical same consideration applied in John Dean's situation where the President forbore to discharge Mr. Dean at Henry Petersen's request, to give Mr. Petersen and his people an opportunity to complete their work before that relationship was severed.

Now, I think that we don't always have the luxury of gratifying our first instincts about a matter of this kind when we have the responsibility for the orderly discussion of the laws in a prosecution of this kind.

Senator WEICKER. What was the purpose of your phone call on April 15 to Mr. Gray, incidentally?

Mr. EHRLICHMAN. I explained it was the result of the President's conversation that day with the Attorney General and Mr. Petersen, in which the question of these documents came up, and the question that he put to me, was whether I had any information with regard to the whereabouts of the documents, and I said "yes, I did." I was there at the time when an envelope was delivered by Mr. Dean to Mr. Gray, and that he said, "yes, that they were aware of this," and he said, "Has Gray ever given them back?"

And I said, "I don't know."

And he said, "Get on the phone and get ahold of Gray and tell him what we know about this and find out where those documents are and what is in them."

Senator WEICKER. In other words, the enforcement agencies, the enforcement agencies had been working prior to April 15.

Mr. EHRLICHMAN. Oh, sure.

Senator WEICKER. The information had been given before the grand jury by Mr. Dean?

Mr. EHRLICHMAN. I don't think Dean had been to the grand jury, I think Dean had talked with the prosecutors and had given them some of this information, if not all of it, but we were operating with what the Attorney General and the Assistant Attorney General had told the President, which the President recalled of the conversation and was imparting to me.

Senator WEICKER. Well, I would just conclude by again asking you why Mr. Gray was left in place when this information was known to you and to the President and other members of the executive branch.

Mr. EHRLICHMAN. Well, I believe I have answered that question. Senator Weicker. It was in aid of the Assistant Attorney General, Mr. Peterson, and the Attorney General, Mr. Kleindienst. I recall hearing later that Mr. Petersen had, in fact, interviewed Mr. Gray following this, and had received conflicting stories. This would have been prior, I guess, to your interview with Mr. Gray, and finally that the

matter had been resolved. They wanted to get a written statement, they wanted to get the kind of evidence that they could use in court, apparently, and so the President was giving them an opportunity to do that kind of thing.

Senator WEICKER. This wasn't the first time that you left Mr. Gray in place, was it?

Mr. EHRLICHMAN. The first time that I left Mr. Gray in place?

Senator WEICKER. This wasn't the first time, in other words, that in an adverse situation to Mr. Gray he had been left in place, is that correct?

Mr. EHRLICHMAN. I am sorry, I don't understand your question.

Senator WEICKER. Well, for instance, during his confirmation hearings, when he ran into some heavy weather, did you have any comments to make at that time?

Mr. EHRLICHMAN. Did I?

Senator WEICKER. Yes, about Mr. Gray.

Mr. EHRLICHMAN. Yes, indeed.

Senator WEICKER. Can you remember what you said about him in the confirmation hearings at that time?

Mr. EHRLICHMAN. I think you probably are referring to my saying that he was hanging in the wind and should be left to spin slowly.

Senator WEICKER. Yes. Let him hang there, "Well, I think we ought to let him hang there, let him twist slowly, slowly in the wind."

Mr. EHRLICHMAN. That is my metaphor, yes.

Senator WEICKER. And he was twisting slowly, slowly in the wind on April 15?

Mr. EHRLICHMAN. He was being investigated, investigated, and investigated on April 15.

Senator WEICKER. I have no further questions, Mr. Chairman.

Senator ERVIN. Senator Montoya.

Senator MONTOYA. Thank you, Mr. Chairman.

I know we have been on this burglary for quite some time, but I want to clear one point, Mr. Ehrlichman.

At what point did you feel that the FBI really got into the investigation of the Ellsberg case in a manner that was satisfactory to White House expectations?

Mr. EHRLICHMAN. I cannot fix that date, Senator, except to say that it was sometime prior to September 20, because I do recall a meeting either that day or very close to it.

Senator MONTOYA. Is that September 20, 1971?

Mr. EHRLICHMAN. Yes, sir.

Senator MONTOYA. And the burglary occurred on or about September 3 or 4 of 1971?

Mr. EHRLICHMAN. Around that time.

Senator MONTOYA. Yes.

And I believe your testimony indicated that you were notified by Mr. Krogh and Mr. Liddy or either of them while you were at Cape Cod what, 2 or 3 days later?

Mr. EHRLICHMAN. No, sir.

Senator MONTOYA. When were you notified?

Mr. EHRLICHMAN. To the best of my recollection I was notified after I returned to the city having been——

Senator MONTOYA. When?

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1 a report like that from Gray, I would pass it along to Dean.
2 I am quite sure I did.

3 Then the next conversation I had with Gray about
4 this was the night of the 15th of April of this year when I
5 finally reached him after he had arrived back from Connecticut
6 where he had been for the weekend. That must have been at
7 ten or ten-thirty in the evening.

8 I advised him at that time that John Dean had dis-
9 cussed with you gentlemen the delivery of a portion of the
10 Hunt safe contents to Gray.

11 Do you want me to recount the conversation?

12 Q Please do.

13 A All right. He said substantially, "John Dean can't
14 say that." I said, "Well, Pat, he already has."

15 Then he said, "Well, you can't let him say that.
16 If he says that, I'll deny I ever got the papers."

17 I said, "I don't see how you can do that." He said,
18 "I have destroyed them."

19 I said something of surprise in response to that,
20 and he said, "You've got to back me up on this, that I never
21 got those papers."

22 I said, "Well, Pat, I certainly don't want to do
23 anything to hurt you, but at the same time I don't hardly see
24 how I can do something of that sort."

25 I was probably more equivocal on that. I was

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1 vaguer than that in my response, but that was the substance
2 of the conversation.

3 The reason that I recall that I was somewhat equivo-
4 cal on that was that after a few minutes I called him back,
5 feeling that I had not been sufficiently definite with him.

6 I said, "Pat, I've been thinking about what we just
7 said, and I wouldn't want to leave it with you that I had in
8 any way agreed to the suggestion that you made that I should
9 go along with you on this. I just can't."

10 I said, "If I am asked, I would have to say that I
11 saw you take delivery on this, the contents."

12 He said, "Well, I just don't know what I'm going to
13 do", and that was substantially the end of the conversation.

14 Q Sir, let me ask you this. Between the first and
15 the second call that you made, how much time had transpired?

16 A Ten minutes, perhaps.

17 Q Had you discussed your first call to him with any-
18 one?

19 A Yes.

20 Q With who was that, sir?

21 A The President and Mr. Haldeman.

22 Q It was decided that you should call back and made
23 it unequivocal?

24 A No. I did that on my own motion. I expressed a
25 lack of ease about the way I had left it with him, and I just

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1 felt that I had to get that cleared up right then.

2 Q What was your purpose in calling in the first place?

3 A I had been asked to do that.

4 Q Can you tell the Grand Jury as to who?

5 A Well, the President asked me to do that based on
6 information that he had that I did not have.

7 He wanted me to tell Mr. Gray this information which
8 the President asked me to pass along to him.

9 Q Had you ever heard from anyone, prior to that re-
10 quest from the President, or from your conversation with Mr.
11 Gray, that the materials had been destroyed?

12 A No. That day was the first day that I had heard
13 that.

14 Q Apart from that one oblique reference that you in-
15 dicated took place in a conversation with Mr. Gray, and that
16 you passed on to Mr. Dean, had the subject matter of those
17 materials ever been discussed anywhere, at any time, with
18 anyone else by you or in your presence?

19 A Other than Dean or Gray, I would say not.

20 Q All right. Let's go back to after the transfer took
21 place, which you have described to the ladies and gentlemen
22 of the Grand Jury, and prior to your conversation with Mr.
23 Gray on the telephone inquiring about this, you already men-
24 tioned that there was one oblique reference, you indicated by
25 Mr. Gray, to the papers, and that you made kind of an oblique

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1 office, right out in front of my desk, like this (indicating),
2 catercornered, right out in front of it, and I was sitting in
3 my chair, back here (indicating).

4 Q Did he, in any way, indicate surprise at your ad-
5 mission, shock?

6 A Oh, I think he was sick. I could gather that from
7 him, but, you know, he didn't say to me, "Pat, I'm sorry for
8 you," or, you know, anything like that. There weren't any
9 words to that effect.

10 I mean, he could see me. He knew how badly I felt.
11 He didn't have to say anything about it, I don't think.

12 BY MR. GOLDMAN:

13 Q Is there anything that you gave you the impression
14 as to whether he knew previous to your admission the true
15 facts?

16 A No, not at all.

17 Q Nothing said about that?

18 A Not at all, no.

19 Q Now, you mentioned some phone calls on the evening
20 of Sunday. I guess it was, the 15th of April?

21 A That is correct, Mr. Goldman.

22 Q Could you tell us about those, please?

23 A Yes, I'll tell you about those to the best of my
24 memory.

25 My wife and I had driven back from Connecticut that

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1 night and we got to our apartment about 8:45, and got our
2 things upstairs at about 9:00 o'clock. And as I walked into
3 the apartment, I saw, on a little telephone table, the white
4 light was on on my Bureau telephone. This is a special tele-
5 phone I had directly to the Bureau switchboard, and when that
6 white light's on, it indicates that the Bureau had a call for
7 me.

8 So, as I came in, I picked up the telephone and I
9 asked the operator, I said, "Operator, do you have a call for
10 me?" And she said, "Yes. Mr. Ehrlichman called." And I
11 said, "Did he indicate whether or not he wanted me to call
12 him back?" And she said, "No. He did not indicate that."

13 So I hung up the phone, and then we sat around the
14 table and had some tea, and then my wife put our things away
15 and I began to go to work on some of the Bureau papers that
16 I had in the briefcase, and about, oh, I guess almost 45
17 minutes to an hour went by. And I picked up the phone again
18 and I asked the Bureau operator again, and said, "Operator,
19 are you sure that Mr. Ehrlichman didn't want me to return his
20 call?" And she said, "Yes, I'm sure."

21 So then I put my papers together and my wife, in the
22 meantime, had opened up the sofa fold-a-way bed type thing
23 we had and gotten in bed, and then I got in bed, and I guess
24 I got in bed about 10:00 or ten minutes after 10:00, and it
25 was about 10:30 when the Bureau phone rang and the operator

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1 said, "Mr. Ehrlichman wants to speak to you." And my best
2 memory of that conversation is that -- gee, I guess I got to
3 say, "Hi, John," but he started right in talking and said,
4 "We just want you to know that John Dean has been talking to
5 the prosecutors for quite some time now."

6 And I could have asked him, although I don't remem-
7 ber -- I could have asked him, "Do you know whether or not
8 he's told the prosecutors about the two files?" And this is
9 all I remember about that conversation. It was a very short
10 conversation, in my memory.

11 And then I went back to bed and it was after 11:00
12 o'clock -- shortly after 11:00 o'clock -- that the phone next
13 rang and my remembrance of it is that John Ehrlichman said to
14 me that, he said, "Dean has told the prosecutors of the two
15 files." And I said, "John, I destroyed those long ago."

16 Now, that's my best recollection of those two tele-
17 phone calls.

18 Q Was that all?

19 A I don't recall, because those two conversations were
20 really short conversations. There may have been.

21 BY MRS. VOLNER:

22 Q Well, did he yell at you and say, "My God, what have
23 you done?"

24 A No, he did not.

25 BY MR. GOLDMAN:

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1 Q Well, would you recall if he had done that?

2 A Oh, yes, I would have recalled if he'd stormed or
3 ranted or raved. Oh, I know, I forgot the one thing that I
4 should tell you. He said, "John Dean has told the prosecutors
5 about those two files. Check your hole card." That's what
6 I remember.

7 BY MRS. VOLMER:

8 Q What is a hold card?

9 A Check your hole card. That comes from playing poker,
10 when you're sitting there and you've got to check your hole
11 card before you bet. That's h-o-l-e card.

12 He said, "Check your hole card." And, at the time,
13 you know, it didn't mean anything to me but, you know, thinking
14 back on it now, I think what Mr. Ehrlichman was saying to me
15 was, "Check your hole card," and I translated it right away
16 to mean the files. And I said, "John, you know those were
17 destroyed long ago," or "John, I have destroyed them long ago."

18 BY MR. GOLDMAN:

19 Q You just said that sometime afterwards you got an
20 impression of what he really meant by that expression. What
21 was that impression?

22 A To check your hole card, and were you still holding
23 those files, you know, to use as a lever.

24 BY MRS. VOLNER:

25 Q That means he thought that you perhaps still had

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1 those files?

2 A That's right.

3 Q And after that comment, you said, "I have destroyed
4 them"?

5 A That's right.

6 Q Did he indicate surprise that you'd destroyed them
7 and that you were no longer holding them?

8 A No. He didn't indicate, as I remember, surprise or
9 horror or anything else.

10 Q Did he say, "I never said that"?

11 A No, I don't recall him saying that.

12 Q Did he say, "Where did you get the idea to destroy
13 those documents"?

14 A I don't remember that at all, because these were
15 very short telephone conversations.

16 Q Did he say, "Well, that's a good thing to do. I'm
17 glad you destroyed them. That's following my orders"?

18 A No. No.

19 Q Did he give you any response?

20 A Not that I remember, Mrs. Volner. I set down, on
21 yellow tablet paper, on the following morning, my recollection
22 of that telephone call and then I only added one thing to it,
23 later on, and I think I made that addition when he made his
24 statement, as I saw it in the New York Times, I think, or it
25 was after I had resigned on Friday, April the 27th.

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1 In think on that Sunday, in the New York Times, he
2 made a statement to the effect that he had not known that the
3 files were destroyed until I told him that in the conversation
4 of April 15, and then I added that to my notes.

5 BY MR. GOLDMAN:

6 Q Do you have that note with you?

7 A I think I do, yes.

8 Q May we see it, please?

9 A Yes. I think I have it. If not, I'd be happy to
10 produce it for you, deliver it to you.

11 Q When he said, "Check your hole card," did he mean
12 see whether you still had it because you might need it as a
13 lever, or did he mean, "Well, perhaps you better destroy it
14 now," or what did he mean?

15 A All of these are possibilities, Mr. Goldman, you
16 know, but I don't know what Mr. Ehrlichman really meant by
17 that except, you know, you can conclude, "Look to your defenses."

18 That's what, you know, you could conclude, and I
19 really don't know, because I didn't ask him. This was the,
20 you know, the kind of Ehrlichman conversation that you had
21 with John Ehrlichman. They're short, they're to the point,
22 and they're brittle, and these are the kinds that I've had
23 with him.

24 Q Did you have any other conversations that you haven't
25 related to us with Mr. Dean, Mr. Ehrlichman or Mr. Petersen

committee would, as it subsequently did, inquire into the circumstances of the turnover to the FBI of the contents of Hunt's safe. Because of the instructions I had received from Messrs. Dean and Ehrlichman when the two files were given to me and my absolute conviction that these files, tinged with political and national security implications, had nothing whatsoever to do with Watergate, I had no intention of volunteering to the committee my receipt and destruction of these files and did not do so. I would not and did not make any false statements under oath but I acknowledge that I purposely did not volunteer this information to the committee.

I justified my reticence not only because I then believed in the rectitude of the administration whose nominee I was and in the integrity of the men who gave me the files and instructions, but because my brief look at the file of State Department cables had confirmed for me what I thought were overwhelming considerations of national security. I had no way of knowing then, of course, that the cables were fabricated nor, I might add, did I know then what I have since learned—that I was being left, in Mr. Ehrlichman's elegant phrase, to "hang there and twist slowly in the wind."

It was in this context, and knowing that Mr. Dean had already told Mr. Petersen about the files, that I had my conversation with Mr. Ehrlichman on March 6. There is no doubt that the message I intended to give to Mr. Ehrlichman was that he should tell Mr. Dean that he should not disclose the delivery to me of those two files.

At about 10:30 p.m. on the evening of April 15, 1973, I received a call from Mr. Ehrlichman. His remarks were very short, terse, and to the point. He simply told me that Dean had been talking to the prosecutors for some time and "we think you ought to know about it." It was obvious from his tone and the manner in which he spoke that no questions were invited and none were asked. I merely said thanks as he was hanging up the phone. I may have said, "Good evening, John" or "Hello, John" when I picked up the phone and it is my firm recollection that he started talking right away and made no response.

At shortly after 11 p.m. Ehrlichman called me again. This time his remarks were just as short, terse, and to the point. He said, "Dean has been talking about the files he gave you and you better check your hole card."

I said, "John, those papers were destroyed long ago."

Again it was plain and obvious from his tone and the manner in which he spoke that no questions were invited and none were asked.

Both of these calls were of extremely short duration, less than 15 seconds each. His manner was fast talking and he seemed tense.

I know that Mr. Ehrlichman has testified that in these conversations I told him I would deny receiving the files and asked him to support me in that denial. I have absolutely no recollection of such an exchange and believe that both conversations were substantially as I have described them. I realize that the conversations may have been recorded without my knowledge.

On Monday, April 16, 1973, at 10:54 a.m., Assistant Attorney General Petersen came to see me. He said that Mr. Dean told the prosecutors he had turned over two of Hunt's files to me. I denied that I had received them. Mr. Petersen went on to say that Mr. Dean had said these two files had nothing to do with Watergate. He also said that

to such evidence, I believe that we all know, as does Mr. Haldeman, I am sure, that the testimony of Mr. Gray as to what disposition has been made of the documents has been of public record for at least many weeks. Without waiving any rights that we otherwise have, I will let the witness answer this question, but I do emphasize that we are getting, in my judgment, well beyond the pre-June 17th matters.

MR. DUNIE: I appreciate that.

MR. STRICKLER: You may answer.

THE WITNESS: Ask the question.

BY MR. DUNIE:

Q Other than from what you may have read in the press, do you have any knowledge as to what Mr. Gray did with the package of documents?

A I have no knowledge other than what I have read in the press. I have hearsay knowledge that confirms what I have read in the press.

Q From whom did you obtain that hearsay knowledge?

A I was present in the President's office on the evening of April 15th when John Ehrlichman called Acting Director Gray and inquired as to the disposition of this. It was told by Acting Director Gray, according to Mr. Ehrlichman, that he had destroyed the material.

Q Do you know whether he told Mr. Ehrlichman when that material had been destroyed?

A No, I don't believe he did. I don't believe he told him when he destroyed it. Mr. Ehrlichman's shock at receiving that original information I think precluded his pursuing it further.

Q Do you know whether Mr. Gray told Mr. Ehrlichman or anyone else, to the best of your knowledge or from information you may have gathered, whether he read or made synopses of the documents prior to destroying them?

A I don't know. I have no knowledge.

Q Have you ever had any conversations with Mr. Gray relative to these documents?

A No.

Q To the best of your recollection, Mr. Haldeman, when you first learned that there were, to use Dean's phrase, "sensitive political documents" found in the Hunt safe, did you ever direct anyone to find out for you what those documents were?

A No.

Q Do you know whether anyone issued any direction to Dean or to anyone else to find out the nature of those documents?

A No, I don't.

Q Do you know whether the President was ever informed